

GOVERNMENT OF INDIA



REPORT
OF THE
BACKWARD CLASSES COMMISSION

Vol. III
(Minutes of Dissent)

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Before dealing with some of the specific points on which I disagree with the majority, I wish to say at the very outset that I have chosen to do so with my 'disagreement' with the utmost reluctance. Many of my colleagues are representatives of the backward classes and others are tried social workers or socialists. They all speak from intimate personal knowledge of the problems affecting the social groups that I cannot claim, and I am sure they will speak from their heart. I have spent many years away from India and I was associated with the Commission only for about a year during the past couple of years. I do not have the collective experience of my colleagues there. I am fully conscious of the weight of the mine which is loaded. Yet I feel compelled to record a note of dissent as on some vital points I differ and feel strongly.

Why did the Government feel it essential to appoint this Commission? Our Constitution envisages a casteless and a classless society in which all shall have an equal opportunity of growth and none shall suffer from any discrimination. The nation's scarce economic resources are being tapped and developed to raise the general standard of living, and a number of social and educational measures have been launched to usher in a social and cultural renaissance. So much for our national aspirations and purpose.

The Constitution has made specific provisions for the protection and the welfare of the Scheduled Castes and Scheduled Tribes, who are extremely backward. Our Commission had to concern itself primarily with the Other Backward Classes, who constitute an important section of the population. According to its terms of reference the Commission was asked to determine who are the educationally and socially backward classes, to investigate the conditions under which they live and to recommend the steps that should be taken to improve their conditions.

Backwardness is a relative concept. Judged by modern standards prevailing in some of the advanced countries, our entire society may be considered backward in some respects. In accordance with the specific task assigned to us, however, we have to bear in mind the general level of educational and social advancement in our country and in this context spot such classes as are below the general standard and then recommend measures to bring them up.

I am in agreement with the appraisal in the report of the problems of the backward classes. Despite the fact that untouchability has been abolished by law and made a statutory offence, vast sections of our population continue to suffer from its inequities. There is still a yawning gulf between profession and practice. The members of the neglected classes are discriminated against in many ways and in many instances they are denied even the elementary human rights. Casteism is rampant in many parts and among many sections. I, therefore, fully support all the constructive measures that are suggested by the majority for the advancement of the backward classes such as revival of hereditary occupations, the

starting of cottage industries allotment of waste land giving all the educational facilities including free books freeships mid day meals hostel facilities etc free technical and professional education All these and much more within the power of the nation must be done to pull up the neglected classes.

My fundamental opposition is to the reservation of seats in the Government services. To fully comprehend the implications of the system, let us recapture the past in a glance.

Ours is one of the oldest civilizations, with a chequered career and an impressive record. Beneath our complex divisions and diversities there always ran a thread of cultural unity. In its original form the caste system contributed to the stability of society through functional division, and reduced chances of conflict and friction between groups. Unfortunately, however, the caste system eventually became degenerated, splitting our society into innumerable castes, sects and groups condemned to be prisoners of their own narrow and parochial outlook. Bound hand and foot by blind caste loyalties, they never developed a larger loyalty to society as a whole. We lacked the cohesion that makes a strong nation, and over and over again we fell easy prey to all and sundry.

Torn by dissensions and sundered by divisions we suffered humiliating subjugation for two centuries under the British. The British exploited our divisions skillfully because groups and communities pressed for special reservations and favours and exclusive rights. This blind race ended in the vivisection of our land.

There is also a happy side of this recent chapter. Gandhiji inspired us to transcend our caste, communal or sectional loyalties for loyalty to our country, and we became a free people once again.

Ours is a young republic whose freedom has to be vigilantly guarded. Our sense of nationhood is yet in a nebulous stage and its enemies are ever at work. Our paramount task to-day is to promote and strengthen the bonds of kinship and to suppress dividing tendencies. All measures for the social and educational advancement of any class must be designed to promote a sense of oneness. And I am convinced that concessions of reservations in the name of caste or class will weaken the sense of oneness and might culminate in disaster. We cannot afford to repeat the mistakes of the past.

It is against this background that I survey the social scene in our country and write a dissenting note on the following points in the report:—

(i) *Reservation of seats in services*.—The majority recommendation for the reservation of seats in the Government services for the backward classes is sought to be justified on the ground that whatever may be the profession of the upper caste people, in practice invidious discriminations persist in terms of caste. They argue also that in States like Mysore and in some others the reservation has been conceded and the system has given satisfaction to all the communities so that there is no longer any
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(ii) I fully agree with the majority view that all sections of the population must have an equitable share in the administration of the country. I also subscribe to the observation that the backward classes are not getting their due share today and that perhaps a handful of castes or communities enjoy a virtual monopoly in the services more particularly in the higher cadre and perhaps they employ a number of indirect and ingenious devices to retain their monopoly. I find it difficult however to persuade myself that reservation of seats is the proper answer to the problem. It also seems to me that my colleagues are paying too much importance to the services. A share in the services is important, as the services represent power and prestige, but considering the total number of people from the backward classes who might come in through reservation I fail to see how this would solve the larger problem of educational or social backwardness of the backward communities. The various constructive measures suggested in the Report for the amelioration of the backward classes will go farther in helping them than the reservation of a few seats.

(iii) I am prepared to concede that there may be many cases of discrimination on caste basis—cases of favouritism and nepotism—I doubt, however, if these complaints warrant reservations for the entire group of backward classes, which I think will do more harm than good. The backward classes in my judgement are suffering today not so much from a calculated and organized conspiracy to keep them down, as from the effects of neglect in the past, and from the residuary legacy of that past.

I am not at all impressed with the arguments advanced against the claims of the backward classes for representation on the plea that this concession would impair efficiency. That, to my mind, may be a convenient bogey concocted by those who are now enjoying privileged positions. There is ample material in all classes, which, if given the proper opportunity, can make its due contribution. My opposition to reservation springs from the fear that reservation on caste or class basis will accentuate caste feelings, thus jeopardising the chance of national cohesion and solidarity.

As for the Mysore formula, I am prepared to accept the opinion of those who have watched the operation of the system and have pronounced it a success. I am also prepared to accept that most of the communities are satisfied with the system. It may suit Mysore admirably, and meet the situation there. I feel, however, that at best it is a temporary and expedient solution. The real question is this. Does the system freeze the present caste and social divisions, or does it strengthen those feelings and retard progress towards larger social cohesion? For lack of full data at my disposal I am not in a position to pass any judgment on it. From the long range national point of view however, I cannot commend the Mysore formula.

I am in favour of giving all possible concessions to candidates of the backward classes: for instance, affording an opportunity for pre-examination training, relaxation of age and also giving preference to candidates of the backward classes where other things are approximately equal, but outright reservation as such, I oppose as a matter of principle.

(iv) *Reservation in Educational and Technical Institutions*—As for reservation of seats for students of the backward classes in technical institutions I think the percentage of seventy recommended in the Report is

far too high. Here again I would be in favour of giving all concessions recommended in the report except reservation to students of the backward classes. In this technical age and in view of many of our industrial projects, we will have to open a network of technical institutes making admission available for all who seek it. But if, because the capacity of technical institutions is limited, the needs of such students cannot be met in any other way than by reservation, the Government may fix a minimum reasonable reservation.

(v) *Ministry for the Advancement of Backward Classes*—Since I do not recognize the backward classes as a separate organic group whose problems are peculiar and absolutely distinct from those of the rest of the people, I do not feel there is any necessity of instituting a new Ministry for the Advancement of the backward classes. A Ministry by this name will be a permanent reminder that the whole nation, for all practical purposes, is split into two—the Advanced and the Backward. The very suggestion to my mind is repugnant.

(vi) *Census*—I am utterly opposed to the idea of enumerating population and tabulating it on caste basis as has been suggested in the Report. I recognize that caste and caste information collected on this basis would be of great value to students of social sciences, and that it could be very useful for original research in the complicated sociological problems. If such data is to be collected it should be done by a private agency, possibly with some help from the Government. I for one, would like to see a moratorium on the mention of caste for some time at least. We have been moving within its suffocating orbit for too long, and it is about time that we stepped out of this psychological cage and breathed free atmosphere where human beings are considered as human beings on their own intrinsic merits and not according to caste labels.

To sum :—

The classes who have traditionally enjoyed a privileged position and who have neglected some classes owe a moral debt to them. The classes in the seat of authority must voluntarily shed their sense of superiority and help the neglected groups. If they refuse to recognise that times have changed, that a new spirit is abroad, that the masses are conscious of their new powers and rights, they will do so only at their own peril and will jeopardise the speedy and smooth evolution of nationhood. We are committed to creating an equalitarian society by peaceful revolution. In other lands violent means have been adopted to achieve certain ends. We have chosen to reject those methods. If we are to succeed in our own way and if we are to march forward as a nation we must discard our entire social set up. If we continue to stick to the narrow stereotyped caste and group loyalties of the past, we as a nation can't not be at a stand still only but we would be leisurely speeding backward.

NOTE OF DISSENT BY SHRI ARUNANGSHU DE

I think I would be failing in my duty if I do not give expression to my views on some of the important points on which I could not agree with the majority of my colleagues in the Commission. In my view we would not be justified in recommending anything by which the solidarity of the nation is impaired and people are divided into watertight compartments. The crying need of the day is unity of policy and action. The nation has undertaken big schemes of progress and prosperity. There are sections of our countrymen who are much below the level of progress of an average man. The standard of these backward sections has to be raised to carry conviction to them that in independent India they will have an equality of status and opportunity with the tallest. Utmost attention must, therefore, be paid to raise the standard of those who are at present in the lowest rung of the ladder. All sections should feel that the country is theirs and that they all have to strive together to increase the national wealth and realize an equitable system of distribution. The nation has already accepted the socialistic pattern of economy and we must not do anything at this hour that would put obstacles in the way of achieving our objective or that might retard the progress of the nation as a whole or widen the field of distrust and conflict.

According to the terms of reference, we are asked to determine the sections who are socially and educationally backward and lay down criteria for the purpose. Some of my colleagues are of opinion that no progress would be possible for these people unless and until ameliorative measures are undertaken on caste basis. While it cannot be disputed that casteism still exists in varying degrees in our country, we have to make every effort to forget and obliterate old and outworn notions rooted in irrational prejudices and past history and begin a new chapter. No useful purpose would be served by tracing the dim, ancient and possibly apocryphal origin and history of the caste if caste is to be obliterated. I have no doubt that only harm would result if stress is laid on caste to-day. It is as plain as anything that it would make people more caste-conscious, if concessions are given on caste basis, for those who benefit by it would try to retain and promote caste feelings as long as they can. By making caste the basis of ameliorative measures we create vested interests in an institution against which we profess to be battling and thus unwittingly give it a new lease of life. It would defeat the very object of creating a casteless society. This being the position, I am unable conscientiously to find any justification for castes being specified, particularly when neither Article 340 of the Constitution nor the "Terms of Reference" make any mention of castes. I am of opinion that no useful purpose would be served by tracing the genesis of caste and specifying in that background backward sections of people. It is not difficult to find out groups of people who have a low status in society. Most of these people are engaged in filthy and dirty or semidirty professions or low-paid or ill-paid occupations or are rendering so-called menial service. Lists of such backward classes could be prepared not on caste but on occupational basis and/or other similar considerations.

We must not forget that all members of the same caste do not follow the hereditary profession associated with that caste. Increasing numbers are not sticking to their traditional professions. We

should raise the status of backward groups *irrespective of colour caste or creed*. The Commission would be taking a very retrograde step if it puts its imprimatur on a basis which would categorise the vast majority of the people as backward. Special measures contemplated for removing the backwardness of the people should be available only to those who are really backward, i.e. who are below par, socially and educationally and should not be admissible to the bulk of the people on caste basis.

Some of my colleagues feel that Government service should be reserved on caste basis and on the strength of population of each caste. I have not the least doubt that this would lead to disintegration. During the British regime communal representation in Government service was adopted on more or less population basis, as it was to the advantage of the rulers. The history of those bitter days, which led to Partition, is too recent to be forgotten. Government jobs then constituted only a negligible percentage of the population. Considering that under a Welfare State and Socialistic pattern of society the functions and activities of the State will multiply to an unprecedented extent, one shudders to think what the consequences of introducing representation in Government services on the basis of caste would be, for caste virus would infiltrate the entire body-politic of India. One result of reservation in services on caste basis would be that only the advanced sections among the backward castes would benefit by it. Those who are really backward would gain nothing but would remain backward and unrepresented in the services.

At the same time I feel strongly that Government service should not be the monopoly of any particular section. To ensure this, Government should adopt a policy of giving special preference to those who are unrepresented and under-represented. A quota of reservation may be allowed in the initial stages for those who are labouring under certain handicaps but reservation should in no case be on caste basis. I also hold that this quota of reservation, whether in the sphere of Government service or in Higher Technical Education, should not exceed fifty percent (including the quota of reservation already fixed for Scheduled Castes and Scheduled Tribes).

During the course of our enquiry, spokesmen of the backward classes complained to us that although reservations had been made for them, they were not fully or strictly implemented. For the unity of the nation, it is essential that the backward classes should feel that they too are associated with the administration of the country. This feeling can be generated only if decisions taken by Government after considering the recommendations of the Commission are treated as a sacred undertaking and implemented thoroughly. Ways and means should be devised so as to ensure that whatever is set apart for the backward classes—be it in the field of educational facilities for higher technical studies or in the domain of representation in Services—is implemented in all sincerity and to the fullest extent.

ARUNANGSHU DE

SEPARATE MINUTE BY SHRI P G SHAH

It is not without feelings of regret and reluctance that I have to take up my pen to write a separate Minute. When I was asked by the Chairman, over a long distance telephone call, to join the Commission, I readily agreed to do so in a spirit of service. During the touring, and discussion of the Draft Report, I have tried my humble best to contribute to the spirit of harmony and unanimity so well fostered by the Chairman. But latterly I noticed certain circumstances arising, which compel me to write this note. I do so with hesitation, as I have been with the Commission only from August 1954, whereas it had already begun to function from 18th March 1953.

2. I must at the outset explain that my attitude is that of a humble social scientist devoted to research and investigation and accustomed to look at the country's problems from the national standpoint without any commitments on either social or political side. I strongly believe in the ideals of a Welfare State, and am anxious to stamp out backwardness from the country by methods of *Saravodaya* and to secure full justice, liberty, equality and fraternity for all, so that the people may grow into a strong prosperous and self-reliant nation, with its rightful place in the international world.

3(a) I am in substantial agreement with the report and this note explains my method of approach, which requires to be clarified to prevent misunderstanding. I am one of those who believe that the problem of backwardness is largely an economic one, even though it has social and educational bearings. The other view is that social and educational backwardness, mentioned in the Terms of Reference, is entirely caused by the social reasons connected with caste and can only be tackled on a caste basis. In an enquiry of the present type, the economic factor in determination of social backwardness should have received greater emphasis. The view that social backwardness is intended to include economic backwardness is supported by the quotation from the Prime Minister in Basu's Commentary on section 16(4) of the Constitution of India. If I had a free hand, I would have made economic backwardness the most important criterion for determination of social backwardness of communities and collected more definite data about it. It would have, then, been possible to suggest more definite economic measures for the complete uplift of these classes not as social groups based on caste but as occupational groups.

(b) Caste represents a pathological condition of the society, which cannot be ignored but should not be allowed to be a source of profit or recognition for benefits from the State.

(c) In my view a larger share in the economic prosperity of the country as a whole, is much more urgent and important than reserving a share in Government appointments for any backward community.

(d) Reservation of posts on community basis should not be allowed for any group. It is simpler to treat all classes on equal footing than to permit differential treatment on caste basis among the three groups of backward classes viz Scheduled Castes, Scheduled Tribes and the Other Backward Classes

Caste

4. I do not wish to add to the discussion on caste except for clarifying my position in regard to the connection between caste and backwardness

(a) Caste is a complex socio-economic phenomena found all over the world in various human societies—in ancient Greece, Rome and Egypt, in Japan, China and also in modern places as far apart as Africa, Polynesia and Melanesia. It would be pedantic to refer to authors who have shown how in different stages of human history, different stratifications of society arising from a geographical or occupational factors or political and religious conquests have got assimilated to a common nationhood. The problem in India is complicated by religious, psychological and spiritual attitudes, and may take longer time to eradicate caste; but the doctrine of *Sarvodaya* and the ideal of a casteless society, free from exploitation taught to us by the Father of the Nation supply us with rare but reliable weapons which we must utilize fully.

(b) We need not, therefore, be afraid or ashamed of caste nor be scarred by it. We need not raise the paroxysm of "down with caste", nor waste our efforts in violent verbal assaults on it, when we should be really busy with constructive *Sarvodaya* programme in rural areas. The backward groups have to be trained to be self-reliant with *Shramadan* while the 'superior' groups have to be trained to share their possessions with the lower groups by *Bhoodan* or *Sramadan* accepted to their means.

(c) In the meantime caste should be deprived of any special privilege, or power or prestige that it may possess; and no conscious or unconscious addition to these advantages, should be permitted even in the name of social relief. A weed has to be completely denied both soil and nutrition until it is thrown out.

(d) The energy and the solidarity of the caste system where it is found to exist, requires to be sublimated and directed towards channels of national unity and progress through the ideals of *Shramadan*, *Bhoodan* and *Saravodaya*.

(e) No reservation in Government service or educational institutions on a *caste basis* should be permitted. Pending the abolition of existing concessions for Scheduled Castes and Tribes, similar relief will have to be given to the Other Backward Classes, but it should be on the basis of preference, to all the backward groups other things being equal. Where other things are not equal special efforts should be made to equalise the conditions as regards both previous training and environment.

List of Backward Classes

5 (a) I should like to clarify my position regarding the method of preparation of lists of backward classes as explained in Chapter VI of our report. Elaborate compilations were made on the basis of information supplied by the State Governments, the recognized Welfare Associations, and by individual social workers. These were summarised in the form of 'Statewise Reports' and of 'Glosses' for each community. These compilations form a part of the records of the Commission and give valuable information even if they are not printed.

(b) In several cases there was great difficulty in arriving at a decision as to whether a community should be treated as backward or not. Generally, this decision was taken after free and full and frequent discussions with an anxiety not to omit the name of any community which was entitled to social or educational relief. But in several cases, in the absence of any information the decision had to be taken on the strength of the name of the community only, on the principle of giving the benefit of doubt. (Para 32 of Chapter V of the Report). While it is correct to give, in a welfare state, the benefit of social relief to as large a part of the community as possible, it is unscientific to prepare these lists in this manner. I expected that the Commission was required to exercise a definite principle of selection on the basis of only verifiable data, when an addition was made to the existing list of the Other Backward Classes. I had also expected that if a community had migrated to another area, evidently with better economic prosperity, its name would have been omitted after verification of its prosperity.

(c) At one stage the list of communities to be treated as backward appeared to be so formidable that it was considered that about 70 per cent of the population was backward and that a representation of 70 per cent of posts in Government service was justified. This view was also supported by the plausible theory that if all the advanced classes were listed and deducted from the total population of the country, the rest would be all backward and they would not number less than 70 per cent. I cannot conceal my opinion that on the basis of the existing census estimate, the population of backward classes would not be so high as that, and for the reasons given below.

(d) The Census of 1951 was not entirely casteless and caste was recorded with certain restrictions in the slabs and in the National Registers kept in the villages. Special instructions were issued regarding the enumeration of Special Groups including backward classes specified by State Governments. These statistics were, however, not properly tabulated and district-wise totals for each caste are not available, though group tabulation was made at the State level. The State-wise figures of 'enumerated population' of the backward class groups are available, and have been officially communicated by the Census Department to the Backward Classes Commission. According to this compilation, as verified by the Census Department staff, the total of the population is 6.7 crores representing a percentage of 19.9 of the total.

(e) There is another compilation of the Other Backward Classes population prepared by the Census Department at the request of this Commission to assist them in getting figures of population of each individual caste. The Estimate of population of each caste in 1951, has been made after taking into consideration, the information available in the previous censuses of 1911, 1921 and 1931. This is technically called 'Estimated population'. The total of such estimated population of backward classes is ~ 30 crores representing the percentage of 20.5 per cent.

(f) We have now prepared revised lists of backward classes, and the staff loaned by the Census Department supplied estimated figures of the population of these classes. It is estimated at 11.35 crores representing 31.8 per cent of the total. This figure gets altered to 11.51 crores and 32.28 per cent by the inclusion of Ezhavas as a backward community.

in Travancore. It is possible that these figures cannot be considered as final because in the new list there are so many castes which do not find a place in the Census List. On the other hand, it is also possible that some of these castes may belong to the category of those unknown groups about whose traditional occupations or territorial distribution or population, no particulars are available [*vide* sub-para (b) above].

(g) Another list was prepared for ascertaining the total numbers of persons in selected traditional occupations including the members of the Scheduled Castes and Scheduled Tribes, who would require to be helped in the schemes of development of cottage and village industries. Their number is 11.82 crores representing 33.2 per cent of the total.

(h) In this context, a reference may be made to the total population of the starred communities which require immediate relief. This is estimated by the Census staff on the basis of lists finally approved by the Commission to be about 11.0 per cent of the total population.

(i) *All these estimates even though they are prepared by the staff loaned by the Census Department may not be considered as final without further check* But it should be mentioned that even though the total population of the backward classes may not exceed about 12 crores on the basis of census estimates, however incomplete they may be, this figure by itself is large enough to indicate the enormity and urgency of the problem and to receive the special and continuous attention of the Welfare State.

Reservation in Government Services

6 (a) I should like to clarify my position regarding the discussions in para 290 of Chapter VI on the question of reservation for the backward classes in Government services and in Government educational institutions. The majority report lays great emphasis on these two aspects as the most important factors in the amelioration of these classes and insists on fixation of definite percentage as the most important part of the recommendations. This seems to arise also from a deep conviction that the percentages should bear a definite proportion to the percentage of the population of the backward classes group to the total population of the country, and that if a lower percentage is accepted it is only as a concession towards moderation

(b) My position is that while it is desirable to give preference to qualified candidates of the backward classes in the services of the State, the cause should not be spoiled by exaggeration. There are more urgent tasks for the amelioration of these classes, for securing more remunerative and fuller employment, in agricultural occupations in cottage and village industries, for the general improvement of housing and health facilities, and for the removal of social disabilities. These are more important than securing Government jobs which give employment only to 38.8 lakhs of persons and whose total wages form only 2.7 per cent of the National Income of India (p. 23 of the Final Report of National Income Committee)

(c) In my opinion, the principle of reservation of any privilege on the basis of caste should not be accepted and should disappear from our Constitution even in regard to Scheduled Castes and Tribes. But as a political necessity it may be retained in respect of services, as long as the

existing reservation in respect of the Scheduled Castes and Tribes continue. This compromise may be permitted to the limit of 49 per cent including the reservation for all backward classes including Scheduled Castes and Scheduled Tribes which have at present a reservation of 21.5 per cent. I am in favour of another 22.5 per cent for the other backward classes. I was also prepared to agree to a higher percentage somewhat on the lines mentioned in the report, provided unanimity of opinion of all the members was secured also with regard to the abolition of this reservation as soon as it was dropped in the case of Scheduled Castes and Tribes.

(d) I have not been able to accept the Mysore formula of rotation of distribution of vacancies in Government services by communities or groups of communities in spite of several persistent and conscientious efforts to judge it impartially. Firstly, it divides the country into further undesirable caste groups waiting for Government jobs. Secondly, it has not given enough protection in Mysore to the really backward communities and though the percentage of Brahmins in service has definitely decreased, this can be seen from the replies received from the Mysore Government to the Commission's questionnaire. Thirdly, the grouping together of "unrepresented communities" into units of population for securing appointments, would further increase caste tensions. Fourthly, it would never work well in larger provinces where the total population and the number of communities is much larger.

Reservation in Educational Institutions

7. I should like to explain my views on the recommendation in para 249 of Chapter V of the Report, for the reservation of 70 per cent of the seats in all the Science, Engineering, Medical, Agricultural and Veterinary and Other technical and technological institutions for the qualified students of the backward classes. I would not relax my full support in favour of any measures that would increase the facilities for education, training, and self-advancement of the backward communities but am opposed to the manner in which it is proposed to be carried out. A countrywide reservation in all technical and scientific institutions, without reference to the local conditions of a region or of an institution would lead to the exclusion of qualified candidates of non-reserved communities. It also leads to the wrong impression that the population of the Other Backward Classes is as high as seventy per cent of the total. It would also create unnecessary alarm in the minds of the general population and lead to an atmosphere of disharmony and distrust, I think that the same purpose could be better secured by a system of preference. The object, in my mind, could be better served if it is recognised that (1) all educational institutions should be instructed to give facilities in admission, remove all difficulties and give preference to the qualified students of the backward classes; and that (2) in the case of technical, scientific, engineering, medical, agricultural and veterinary institutions, this preference in favour of qualified candidates should be of a more definite character upto the total limit of fifty per cent of the vacancies in every year. Further, no application of a qualified student of these classes for admission to any educational hostel should be ever refused. Also, if any candidate lacks any qualification, facilities should be provided by special coaching or preparation for giving the same. A relaxation in age and in fees should be also encouraged.

ECONOMIC MEASURES FOR THE AMELIORATION OF BACKWARD

8. (a) When a community is included in the list of backward all its members get entitled to certain privileges of such an in the case of the educational privileges we have recommended "income of a parent of a student applying for a scholarship should be Rs. 1,800/- per annum to make him eligible for a scholarship secondary stage" and should not exceed Rs. 3,600/- per annum of Scholarships for studies in higher branches of learning (Chapter VI).

(b) The above principles of applying economic limit to of educational concessions raise the question whether the limit can be given other benefits of social relief on an economic basis altogether the caste to which such a person belongs. If such is adopted, it may have to be extended to other families with similar status, and may increase the total cost of the welfare in the extra cost would not be beyond the means of a welfare state to a socialistic pattern of society, with a full-fledged planning.

(c) Tentative information about the number of households certain income limits is available in the following table, as of December 1951. Its accuracy may have to be investigated, but that out of about 6.8 crores of families living in India, about have income below Rs. 1,500 per annum, and that 2.9 crores have income below Rs. 1,000 per annum. Further investigation necessary for various limits of income, upto which social relief granted.

NUMBER OF HOUSEHOLDS IN INDIA DIVIDED BY GROUPS

Range of income per household per annum	Rural (in lakhs)	Urban (in lakhs)
0—500	81	Neg
500—1000	193	17
1000—1500	143	35
1500—2000	94	27
2000—2500	34	18
2500 & above	29	14
Total	574	111

Source : The Pattern of Income and Expenditure in the Indian Union study by M. Mukherjee and A. K. Ghosh (published in International Statistical Review December 1951 Vol XXXIII Part III, Communicated by D. B. Gururaj)
New Delhi,

(d) On the other hand if social relief is to be given on caste basis, the population of backward classes on the basis of the lists prepared by the Commission, would be estimated on the conservative estimate of the Census Department, would be about 11.59 crores, affecting about 2.27 crores of families. The total cost of social relief to these groups in cash outlay would be less as compared with the cost of giving relief to all persons below the income limits mentioned in the previous paragraph. During the time at my disposal, I am not able to supply any reliable data, but I would suggest that Government of India should get an enquiry made regarding the comparative cost of giving social relief only to caste-groups of recognisedly low social and educational status or to all persons whose economic status is below a particular level.

(2) One way to deprive caste from being a source of advantage or profit is to distribute social relief not on the basis of caste but on the basis of the family. The determining criteria for a family to be entitled to such social or economic relief would be (i) the limit of the income of the family, (ii) the housing conditions of the family and (iii) prevalence of literacy or education in the family. Such a system would provide special protection to the Stairred communities listed by the Commission, and discourage or exclude the dominant communities who at present take away a large share of the benefits due to the backward communities.

9. Legal Measures—While we have advocated the *Sarvodaya* outlook in the measures of amelioration of the backward groups, I would like to point out that the backward classes need special relief in the matter of protection of the rights conferred on them by the recent social legislation. In the matter of (i) Debt Redemption for non-agricultural debts, (ii) Minimum Wages, (iii) *Begar* or compulsory labour, (iv) social disabilities like untouchability, free and full legal aid should be supplied at the cost of the State to enable the backward classes to take advantage of the provisions of law. In most cases an individual feels he is socially low because he is unable to get even the protection of the court, as intended specifically by social legislation. Unless such aid is supplied, the legislation becomes futile and the affected persons suffer from increased sense of frustration. The efforts of the Bombay State in giving such aid to some backward groups e.g. Scheduled Tribes and Ex-Criminal Tribes deserve to be extended to other backward communities in that State, and should be emulated by other States and by the Centre also. Legal aid for ordinary property disputes etc. should be definitely discouraged.

10. In conclusion, I would again emphasise the necessity of urgent and efficient action for the relief of the backward classes. The order of priority to my mind is, full employment in rural areas through the development of Cottage and Village industries; Universal basic education with the *Pancha-koslu* schools, and *Samata Ashrams*, improvement of living and housing conditions, larger facilities for agricultural, veterinary and medical help, facilities for higher education and Government service. The average income of the family in rural areas should be raised by persistent *Sarvodaya* practices to the limit beyond which educational relief is not contemplated by the Commission.

March 18, 1955

P. G. SHAH

NAME OF STATE

	1	2	Enumerated population of O.B.C. according to 1951 Census	Estimated population of O.B.C. according to 1951 Census	Estimated population 1951 of O.B.C. to B.C.C.	Estimated population 1951 according to selected occupations of Backward Classes including S.Cs. and S.Ts.	% of OBC Col. 3 to total population Col. 2	% of OBC Col. 4 to total population Col. 2	% of OBC Col. 5 to total population Col. 2	% of B.C. in selected occupation Col. 6 to total population Col. 2
			3	4	5	6	7	8	9	10
1 Assam	*90,43,707	18,84,234	26,14,999	28,65,934	35,62,521	20.8	28.9	31.7	39.4
2 Bihar	4,02,25,947	62,76,445	66,90,259	1,53,21,746	1,85,74,584	15.6	16.6	38.1	46.2
3 Bombay	3,59,56,150	44,89,594	16,13,165	1,10,09,745	1,03,64,773	12.5	4.5	30.6	28.8
4 Madhya Pradesh	..	2,12,47,533	66,48,077	*56,04,330	79,02,586	96,00,062	31.3	26.4	37.2	45.2
5 Madras (Including Andhra)	..	5,70,16,002	1,97,16,215	2,63,95,153	1,26,80,945	1,13,84,434	34.6	46.3	22.2	20.0
6 Orissa	1,46,45,946	41,73,155	15,85,268	13,56,373	30,93,076	28.5	10.8	9.3	21.1
7 Punjab	1,26,41,205	N.A.	*7,88,621	25,56,087	13,56,243	N.A.	6.2	20.2	10.7
8 Uttar Pradesh	..	6,32,15,742	41,50,889	41,50,889	2,69,10,161	3,35,63,104	6.6	6.6	42.6	53.1
9 West Bengal	2,48,10,308	13,59,350	1,81,418	22,66,445	20,81,192	5.5	0.7	9.1	8.4
10. Andhra			(Included in Madras)						
11 Hyderabad	1,86,55,108	94,13,075	1,22,84,766	1,37,66,090	1,03,62,368	50.5	65.9	73.8	55.5
12. Madhya Bharat	79,54,154	13,67,755	13,24,973	19,36,980	16,42,493	17.2	16.7	24.4	23.3

3	Mysore ..	90,74,972	17,52,522	20,61,538	59,63,902	36,28,363	19.3	22.7	65.7	40.3
14	Pepsu ..	34,93,685	N A	*3,78,644	4,42,397	4,31,209	N.A	10.8	12.7	12.5
	Rajasthan ..	1,52,90,797	32,16,084	*34,30,351	34,31,326	26,41,109	21.0	22.4	22.4	17.3
6	Saurashtra ..	41,37,359	15,78,168	11,06,265	12,16,475	13,30,781	38.1	26.7	29.4	3
17	Travancore-Cochin	92,80,425	4,16,224	2,84,988	9,12,272	23,94,004	4.5	3.1	9.8	5.8
8	Ajmer ..	6,93,372	35,383	35,383	2,97,699	1,99,174	5.1	5.1	42.9	28.7
19	Bhopal ..	8,36,474	1,20,677	1,13,303	2,94,534	4,22,315	14.4	13.5	35.2	50
2	Himachal Pradesh and Bilaspur.	11,09,466	N A	*2,37,522	3,15,101	4,48,938	N.A.	21.4	28.4	40.5
	Coorg	2,29,405	69,422	68,130	63,727	45,137	30.3	29.7	27.8	3
2	Delhi ..	17,44,072	N A	2,40,503	3,17,906	40,140	N A	13.8	18.2	
23	Kutch ..	5,67,606	1,271	1,07,587	2,01,170	1,46,923	0.2	19.0	35.4	9
24	Manipur ..	5,77,635	N A	..	35,490	..	N A	..	6.1	
2	Tripura ..	6,39,929	30,349	4,12,119	69,432	17,865	4.7	64.5	10.9	8
26	Vindhya Pradesh	35,74,690	7,40,448	..	13,76,307	9,94,146	20.7	..	38.5	7.8
2	Andaman & Nicobar Islands	30,971	
28	India	35,68,29,485	6,14,59,337	7,30,00,577	11,35,10,830	11,85,24,954	18.9	20.5	31.81	33

MINUTE OF DISSENT BY SHRI T MARIAPPA

I am not convinced of the reasons for not including Vakkaligais and Lingayats living in urban areas in the list of Other Backward Classes, pertaining to Mysore State. It is difficult to draw a distinction between those who live in urban areas and those who live in rural areas. It is difficult to categorise them on that basis. For, a large majority of them who are living in urban areas are really backward. A few families might have secured some places in Government service or in trade or commerce. That should not be a ground for excluding the backward sections among them from the benefits to be granted by the State.

T. MARIAPPA

March 3, 1955.

GENERAL

I joined the Backward Classes Commission in response to the invitation from the President since I thought I could serve Backward Classes community better in this manner. In the participation of the Commission's work, I could see the realization of my cherished dream and was immensely glad.

The appointment of Shri Kaka Kalelkar, as Chairman of this Commission, however, was not very much welcomed by the backward class people in general since they expected some backward class man to hold this office, but I welcomed it as I thought that he being a great disciple of Mahatma Gandhi must be above casteism and therefore much preferable than others. Moreover, because being a Brahman of high esteem and learning, the recommendations and remedial measures suggested by him shall be readily acceptable and would get more response from the higher caste people.

I joined the Commission for I thought here was an opportunity to do some substantial work and bring to book the disabilities suffered by the backward classes on a country-wide scale for the first time in the whole history of India.

I do not wish to cast any aspersions on any one but my feeling on the whole is that none of us including myself was above class or caste consciousness and, therefore, I have been forced to submit this note of dissent which I wish that the Prime Minister would find time to read it as according to my convictions and belief he is the only person who can be singled out to be much above caste consideration.

I have differed from the Commission in the very approach of the problem of the backward classes. The main points of difference are given below. I have dealt with these points in detail in their respective chapters. Each chapter reads like a thesis on the subject but I could not do less since I thought, Commissions like ours are not set up every day for the simple reason that they cannot be. Bearing in mind the significance and importance of the work assigned to the Commission and its far-reaching effects, I have tried to do full justice to the cause I serve. I have tried to deal with all the points in full and have supported my arguments and conclusions with historical facts and figures, statistics of authorities both official and unofficial and my observation and my experience of the last 35 years.

In order to enable the reader to understand my ideas and view-points better, I thought of giving a brief sketch of my life-history but since it is out of place and likely to be misunderstood, I have refrained from doing so. The readers would know me and understand my views better if they refer to my book which I am going to write for the nation in general and backward classes in particular.

	<i>Pages</i>
1. Criteria of Backward Classes	22
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The following are additional points of difference as the final decisions on them were taken only a few days back. They are discussed under this very Chapter.

8. Census and Caste
9. Public Service Commission
10. Backward Classes Ministry.
11. Conclusions.

CENSUS AND CASTE

The Commission has recommended the tabulation of castes and tribes with nationality in future censuses. It was altogether left out in the last census on a great opposition made by Sardar Vallabh Bhai Patel. In the last Census of 1951, the last column of previous Censuses regarding Race, Tribe or Caste and Religion was replaced by another giving (a) Nationality (b) Religion and (c) Special groups. Under 'Special Groups', Scheduled Tribes, Scheduled Castes, Anglo-Indian and Backward Classes were enumerated.

I strongly feel that the adoption of the policy of doing away with the column of race, tribe or caste was a good move toward the achievement of a casteless and classless society. The arguments advanced by the Commission in its report against this policy do not convince me at all. I would go to the extent of submitting that under special groups one more category under the name of "Advanced Classes" be added and excepting in this category the names of castes should not be mentioned at all. As I shall discuss later the names of various castes and tribes under the categories of "Scheduled Castes" and "Scheduled Tribes" can also be safely dispensed with by following the criteria of "untouchability" and "special habitat and culture" respectively in these two cases.

The Commission is of opinion that if castes are mentioned in any one of the categories of special groups then castes are not ignored altogether. My contention is that if for some period the castes in the Advanced Classes group are maintained, it is not going to do any harm and will do more good by dispensing with the long list of the other three categories of special groups, namely, Scheduled Castes, Scheduled Tribes and Other Backward Classes. Moreover, it is only these backward classed who have suffered most on account of caste system and the Advanced Classes have rather always commanded respect and enjoyed more opportunities of life on this account. I shall deal with point more elaborately under the chapter 'List of Other Backward Classes to be prepared castewise or not'.

Therefore, I propose that the method followed by the last Census of 1951 be still maintained and under the column of Special Groups, one more category of "Advanced Classes" be added as the fifth item and excepting under this category of advanced classes, the names of castes should not be mentioned at all and for tabulating the other categories of this group the following question may only be put to get the required answer.

- 1) Does he belong to any one of the castes enumerated under Advanced Classes. If Yes then he may be put in the list of advanced classes under the caste to which he may profess to belong to.
- (2) If he says 'no' then the next question should be or does he belong to any of the castes which were considered untouchables before the Constitution came into force" In the case of the reply in the affirmative he may be put safely in the list of Scheduled Castes.
- (3) If the reply to above is in negative then he may be questioned about his habitat and culture and if he possesses the characteristics of Scheduled Tribes, then he may safely be put under Scheduled Tribes, otherwise under Other Backward Classes.

Similar question will solve the problem for awarding amenities to these classes or in providing political safeguard for the Scheduled Castes and Scheduled Tribes.

Public Service Commission

At the very first sitting of the Commission after its inauguration by the President, I had proposed that some such questions be put in the questionnaire to elicit the opinion of the people both official and non-official as to whether it is a fact or not that since there is no representation of the members of the backward classes in the personnel of the Public Service Commissions the candidates belonging to the backward classes including Scheduled Castes and Scheduled Tribes do not get a fair deal. It was not approved by the Commission and hence it could not be put in the questionnaire. In spite of this during our tours everywhere there was a general demand of the people that they must have their representation in Public Service Commissions also and some went to the extent of demanding that one member from each of the three categories of backward classes should be appointed. I am told that there has been such a demand in the Parliament also on behalf of the Scheduled Castes, but the demand was turned down as the Scheduled Caste members belonging to the party in power could not dare to support on account of party discipline. Needless it is for me to say that in my own Commission I have felt that the members belonging to the backward classes did feel the justification of such a demand but as the Chairman was deadily opposed to it they had to yield to his views.

In answer to this demand, the attention of the Chairman was drawn by a member to cases where persons from the backward classes have already been appointed to the Public Service Commissions and are working well. But he did not mention where it was so. So far as I know it is in the South only that some non-Brahmins were appointed but they belong now to advanced classes. Moreover, there practically the whole Ministry is of backward classes and non-Brahmins under a backward class Chief Minister. Absence of such appointments in the North where practically whole Ministry is manned by advanced classes under advanced Class Chief Ministers goes conclusively to prove that the class and caste consciousness is so

great still in this country. It will not be out of place to mention that in our Commission also members were not away from such feelings and I was much pained sometimes to find that there was a clear division among members of advanced and backward classes on important matters.

Hence in the atmosphere prevailing in the country, I am forced to recommend that at least for fifteen years or so long as the caste system does not die out, it is essential that one member from each of the three categories of backward classes should be nominated to State as well as Union Service Commissions.

Moreover, I feel that the definition of efficiency in democracy needs a great change which I shall discuss in details in chapter under Government services and I am fully convinced that for some time at least so long as their outlook and the inborn feeling of casteism is not changed the members belonging to the advanced communities shall not be able to interpret it properly while making personality test of candidates and hence on this account also the representation of backward classes in the Public Service Commissions is necessary.

A few instances have been brought to my notice where persons employed in Government Services were considered quite efficient so long as it was not known that they belonged to Backward or Scheduled Caste. But the moment the officer or their colleagues came to know that a person belongs to any of these classes or castes they look down upon him and their views are prejudiced. This is why even to-day majority of persons belonging to these classes hide their caste under the surnames of Sharma, Verma, or Gupta.

Backward Classes Ministry

The Commission has also felt the necessity of creating a Backward Classes Ministry in all the States and the Centre just like Rehabilitation Ministry but has not said anything as to who should be its Minister. In view of the facts already stated above I feel that the Minister in charge of this Ministry should always be from the backward classes so long as this casteism prevails. One view is that such a thing will create communal feelings and should not be encouraged. The other view is that the Minister of this Ministry should be from the advanced classes so as to avoid the spreading of the feeling of bitterness against them. In my opinion both the views are incorrect. It is wrong to think that it will create communal feelings. Communal feelings are there already. On the contrary, appointment of a man from backward classes as Minister would help arrest and suppress such tendencies. This will also serve as warning for the advanced communities that unless and until they give up the exploitation of these people and change their outlook they will gradually lose their confidence. Such an appointment will inspire more confidence in the hearts of backward classes people for they will see that they are not being ignored and that one of their own men is there to watch their interest. In this common logic that a man who has suffered knows and understands better his suffering and is in a better position to take remedial measures in comparison with one who has only to imagine things. Hence I propose that Ministry for the backward classes should be created and the Minister must necessarily belong to the Backward Classes.

Conclusions

In writing various chapters of my dissenting notes I might take the extreme views on certain points but I would request the readers belonging to both the backward as well as advanced classes not to misunderstand me. Both should fully understand that they have to live together and they must together build an organic community on the principle of co-operation and co-existence. Despite all the difficulties and inequalities inherited from the past and still acute to-day, the advanced or upper classes and the backward classes must necessarily wend their way together, and then only they can reach the goal for the formation of a classless and casteless society and a United India. "The ideals of the freedom of the individual and the independence of peoples have been the subject of such admirable and effective propaganda in and by the great and more highly developed countries, and exhortations to combat servitude have been so numerous that it is hardly surprising that as a result of the enormous development of the means of communications, such propaganda and exhortations should have deeply influenced the more backward masses and encouraged them to action". In these circumstances, I would recommend the adoption of a policy, which while being careful to avoid wounding susceptibilities and accepting inevitable delays in implementation, would aim at associating the backward classes to an ever-increasing extent in the political and administrative management of the country, of which they form an indispensable irreplaceable and inseparable part. The road of gradual integration of various castes or varnas is the only one that seems to be open and it alone is likely to lead to a peaceful future. To travel this road will require a steadfast, persevering and tenacious will, renewed from day to day, to collaborate, to negotiate and to compromise a will to give and take. The partnership will be difficult, one side will have to give up the inborn feeling of caste or varna superiority which gives a semblance of legality to political supremacy but is in reality based on obsolete ideas to which modern civilisation and culture gives not a shred of confirmation and the other, namely, the backward classes, will have to realise that the ideas of fraternity, equality and brotherhood enshrined in the Indian Constitution under the present democratic set-up and deep in their hearts cannot become reality at the stroke of a magic wand.

The advanced classes should now realise that under democracy the backward classes people being in overwhelming majority are bound to snatch away the power from them some day or the other but this is bound to create bitterness between the two sections. Therefore much before the backward classes become conscious enough to do so, the advanced classes should peacefully share the power with them on the principle of co-existence in the political and administrative set-up. The Britishers also have handed over the power simply with a view to keep friendly relations between the two countries of Britain and India.

Castes and Scheduled Tribes specified by notifications issued under Articles 341 and 342 of the Constitution.) should be treated as socially and educationally backward classes, and in accordance with such criteria, prepare a list of such classes setting out also their approximate numbers and their territorial distribution.

From the above it is quite clear that the criteria required under our terms of reference are for Other Backward Classes and not the criteria for the entire backward classes including the Scheduled Castes and Scheduled Tribes. The criteria for the latter two are already fixed and known to the Government. It is *untouchability* for Scheduled Castes and the *segregated life, the habit of living in jungles or hills, and then unique culture that are the main criteria for Scheduled Tribes*. We shall try to find out criteria for *Other Backward Classes*.

Our Commission has itself given a list of criteria in the Questionnaire published in English, Hindi and Urdu and many local languages of the States and enquired as to whether the list is exhaustive, or if any additions or modifications are possible. Under sub-clause (2) of question No. 1 regarding criteria it has further been asked what additional criteria, if any, may be adopted for ascertaining what classes or communities are backward among the Christians, Muslims and other non-Hindu denominations in one's State.

In replying to the Questionnaire a majority of people have admitted that the list of criteria published by the Commission is practically exhaustive, but some have added new criteria which more or less point to causes of backwardness yet cannot be considered as criteria tallying four-square with the backwardness of the people of India. The U.P. Backward Classes Federation submitted a printed reply to the Questionnaire that has also given one criterion which practically covers the point at issue but is to my mind a paraphrase of the criterion which I had submitted to the Commission at the time the Questionnaire was being prepared, and which was not accepted by the Commission and hence not published. My only criterion was and still is that "*all the so called Shudras amongst Hindus, excepting Kayasthas in the North and a few castes like Commas and Reddis in the South are backward*". Those exceptional castes have since much improved in educational and social position due to their having obtained sufficient representation in Government Service and Legislature, and hence they are not included. I make bold to add further that the other so-called Shudras are backward, not because they lack intelligence or are averse to education, but because they were kept deliberately backward by interested parties—self-styled high caste groups and not allowed to read and write or to require any culture. There is an abundance of evidence on this point in Hindu Scriptures like the *Manu Smritis* and others.

I do not wish to enter into any controversy on this point at this stage, but will deal with it while giving historical facts. I think, however, that the very fact that ever since these people have been given equal opportunities to read and write they have produced learned men in various cases is sufficient proof of the fact that had they been given equal opportunities they would never have been in their present state of backwardness.

Some members presented a new criterion based on the proportion of representation of various communities in Government services and also in public bodies (Parliament, or local bodies etc.) in each State and our learned Chairman was pleased to ask the office to procure statistics from all the States on this point; so far, however, we have been unable to collect such data from all the States.

The third criterion which has been placed before us is that all those who traditionally earn their livelihood through manual labour are backward castes or classes. This, as our learned Chairman Shri Kaka Saheb has rightly remarked, is nothing more than a paraphrase of the Shudra theory submitted by me.

Although the majority of States have admitted that the criteria published by the Commission are exhaustive yet many have opined that they are not objective, that their cumulative effect only may lead to the desired result but that each, taken singly is not universally applicable.

The comments of some States are quoted below :—

1. *Punjab Government* says, "The criteria enumerated in the Questionnaire are too wide. The tests to be applied should be far more restrictive than contemplated in these criteria".

2. *Rajasthan Government* says, "It should however, be better to prescribe some definite objective criteria such as percentage of literacy and percentage of low level income groups in community 'Backward'."

3. *Bombay Government* says, "The list of criteria enumerated by the Commission is sufficiently exhaustive and does not call for any additions. In practice however, it will be very difficult to determine properly the claims of any particular community for inclusion in the list of backward classes on the basis of these criteria. Therefore instead of laying down such elaborate criteria it would be desirable from the administrative point of view to adopt the simple criteria followed by this Government."

4. *Orissa Government* has also criticised each of the criteria separately and holds that many of them do not apply fully.

5. *Catholic Union of India, Nagpur*, also approved by *Mr. Mokand Roa and Mr. Francis* says, "None of the criteria mentioned by the Commission either singly or in combination appear to be objective enough."

Further *the Madhya Pradesh Government* is of opinion that criteria a, b, c and f are redundant and ought to be omitted.

Therefore, it is more desirable to find out some clear cut criteria which may be universally applicable to all the States just as in the case of Scheduled Castes we have the criteria of *untouchability*.

This criterion has been supported directly or indirectly by the following persons

1. Shri R. P. Tamta, M.P., Almora, U.P.—All are backward provided they do not belong to twice born classes i.e. Brahman, Rajput and Vaishya

2. Shri L. Vanker of Bombay—The new criterion should be the inferior complex present among, and peculiar to the so-called Shudras.

3. Shri B. Singh of Madhya Bharat; says that the practice of widow re-marriage may be taken as one of the criteria of backward classes and this is present among, and peculiar to the so-called Shudras only.

Saurashtra Government says, "The Criteria for backwardness should also be sought in our religious precepts and in the laws and customs governing our socio-economic order.

The psychological belief in caste, sub-caste of a community, that it belongs to the lower strata of humanity attended or not by other elements constituting backwardness is in our opinion the unfailing test of backwardness

Viewed in this light, all castes and communities, except Brahmans, Rajputs, Kayasthas, Baniyas, Lahanas and Kunbis who own in one shape or the other the instruments of power, wealth and production, would normally be working under the disability of some kind or other.

The entire social structure of our society is based upon this religious and social superiority of some of the caste Hindus who were in a position to exercise a dominating influence upon the rest of the society. These favoured few belong to what was then considered to be the *Dwijia class* and all the castes and sub-castes of Brahmans, Kshatriyas and Vaishyas, who went in the name of *Dwijas*, were considered and continued to be respected as advanced

It will not be out of place to mention that the criteria suggested by Messrs Patel and N. R. M. Swami also indirectly point to the so-called Shudras class only in as much as they are the only persons not generally represented either in Government services or in Parliament or local bodies

The criteria for Shudras can be applicable to the Hindus alone

Hence we have still to find out some criteria for determining the backwardness amongst Christians, Muslims and other non-Hindu denominations

This very question has been asked in the Questionnaire under question No. 1, sub-clause (2)

The majority opinion on the point is that change of religion does not effect a change in the social or educational condition of any person, therefore, all converts to any other religion from amongst the so-called Shudra communities should be considered to belong to the backward classes, Shudra are divided into two categories of touchables and untouchables. Some authorities have depicted the untouchables to be *Panch Janah* that is to say the

fifth *Varna* quite separate from Shudras. This distinction is now of minor importance since untouchables are widely known to be Shudras like other touchables Shudras.

This view has been supported by the following persons and Associations :—

1. *Shri Ghana Kant Gogoi, President, All Assam Backward Classes Committee* says "Converts from amongst Hindu depressed Classes or Non-Hindu tribal communities should be termed as backward classes irrespective of religion."

The word depressed classes which was used in Government of India Act, 1919 including both the touchables and untouchables in Northern India; this term was not defined in the Act, yet it was said in the Act that whoever in the opinion of the Government is considered to belong to Depressed Classes will be nominated to the seats of Depressed Classes in legislatures and local bodies through nominations by the Governor under the said Act and accordingly the Governor had nominated somewhere touchables and somewhere untouchables thereby showing that in Northern India the term included both untouchables and touchables. In the South this term included untouchables only.

2. *The Catholic Association of South Kanara in Mangalore* opines "that converts from Scheduled Castes, Scheduled Tribes and Other Backward Classes may be recognised as belonging to backward classes.

3. *All the Christian Missionaries of Travancore-Cochin State* say the change of creed which depends on one's will should effect no change in his caste or economic or social condition."

4. *Divisional Superintendent of Education, Jabalpur Division* and *Rt. Rev. A. G. Jabarej, Bishop Store Palam-Gottah (S. India)* say "The strata of society from which they were originally converted should be the criteria for determining backwardness "

5. *Shri B. E. Chaudhree, B.A., LLB., Pleader, Darbad Gali, Byapur* says "The recent convert-Christians from the backward classes may be treated as backward."

6. *Shri M. Arumaselvan, B.A.L.T., President of Catholic Union of S. Arcot, Trivandrum* says "Backwardness can also be determined by social ostracism that follows the conversion of a Hindu Harijan or Hindu backward into Christianity or Islam and which makes convert socially and economically more backward than ever."

7. *Miss T. N. Anandanayaki, B.A.B.L., Advocate and Municipal Councillor of Madras* who was also coopted as a lady member for the Madras State during the visit of the Commission has submitted a report to the Commission wherein she has observed on this point :—

"There is an anomaly, if I may say so, in the backward class classification; for example a Hindu Harijan is a Scheduled Caste, but not a Christian Harijan. It does seem to me that the condition of backwardness is not to be based upon religious dem on,

The West Bengal Government has also supported to above view in the following words :—"The Communities among the Muslims and the Christians that carry on hereditary occupation which also prevailed among Hindu backward classes may be considered as backward, and the rest may be recorded as advanced."

The State Government of Madhya Pradesh has however differed from the above view and is of opinion that a person should cease to be regarded as backward on conversion to any non-Hindu religion

To my mind this view is not correct as I have seen many Christian and Muslim converts from Scheduled Castes and Other Backward Classes who are in most deplorable conditions and they have not improved in any degree socially by such conversion. I am very sorry to remark here that this plague of high and low in Hinduism is so infectious and epidemic that it has not spared any religion which spread in India like Christianity, Islam, Sikhism etc. Hence I call Hinduism a germ which like that of T B spares none.

Although the tenets of these religions preach equality yet the people have begun practising the distinction of high and low among themselves

Our Constitution also provides that no citizen shall on grounds only of Religion be ineligible for or discriminated against in respect of any employment or office under the State and the relevant Articles are quoted here as under :—

Art. 15. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them

Art. 16. (i) There shall be equality of opportunity for all citizens on matters relating to employment or appointment to any office under the State

(ii) No citizen shall on grounds only of religion, race, caste, sex, place of birth, residence or any of them be ineligible for or discriminated against in respect of any employment or office under the State.

The extract of the speech of the Prime Minister made at Ludhiana on 8th November 1953, deserves to be mentioned here. This was quoted in a memorandum of the Indian Christian Converts of the Backward and Scheduled Caste Classes in the Madras State. It runs as follows :—The Prime Minister Nehru said, That every person in the country, *to whatever religion he might belong* would get the same rights as another. He would allow *no discriminatory treatment* to any. It would be an utter mistake to *think* that in one state the people of one religion were being discriminated against

"There were people in this country also who professed a variety of religions, and each of those religions were part and parcel of their life and if they neglected one, their social life was incomplete. But religion was the matter of the individual and should not be mixed up with politics."

The late Khondkar Facli Rubee, Dewan to the Nawab Bahadur of Murshidabad descendant of the family from whose hands had slipped the Sceptre of rule into the hands of Lords Clive gave us in his book The

Origin of the Mussalman of Bengal" an idea of the equality and inequality among Mohamadans and that the social position is not changed on conversion. An extract from the book is quoted below :—

"From a religious point of view, of course, all Mussalmans stand on a footing of equality. But according to usage and customs the social position and family rank of a man do not become altered by a change of religion. . . . a low caste person on his embracing Islam is not allowed to hold familiar intercourse with high-born Mussalmans Rigid and scrupulous regard has ever been paid by the Mussalmans to social and family dignity."

It would appear that just as Hindus have three divisions, the *Dwijas* or high caste, the touchable Shudras and the untouchables Shudra or *Panch jnanah* so have the Muslim amongst them Ashraf or Sharaf (akin to *Dwijas*), Ajlaf (akin to touchable Shudras) and Arsal (akin to untouchable Shudras).

The Superintendent of Census in 1941 for the Province of Bengal records the following interesting facts regarding the Muslims giving above divisions.

"The conventional division of the Mohamendans into four tribes—Sheikh, Saiad, Moghul and Pathan—has very little application to this province (Bengal). The Mohammedans themselves recognise two main social divisions (1) Ashraf or Sharaf and (2) Ajlaf. Ashraf means 'noble' and includes all *undoubted descendants of foreigners and converts from high caste Hindus*. All other Mohammedans including the occupational groups and all converts of lower ranks, are known by the contemptuous terms, Ajlaf, 'wretched' or 'mean people'. They are also called Kamina or Itar, 'base' or Rasil, a corruption of Razal, 'worthless'. In some places a third class, called Arzal or 'lowest of all' is added. With them no other Mohammedan would associate, and they are forbidden to enter the mosque or to use the public burial ground."

(Taken from 'The India Charter' By Jehangir Framjee Kotwael).

Likewise among Christians and Sikhs also you have the same sort of divisions although not separately named, yet observed distinctly in practice. The converts from higher castes, the *Dwijas*, are considered higher than the converts from the Shudras both touchables and untouchables with practically the same kind of hierarchy in these three divisions. These groups are often as strictly endogamous in the religions of Muslims, Christians and Sikhs as Hindu castes are.

The learned Chairman has criticised the criterion of Shudrahood on two grounds namely (1) that by doing so we will have to include in the backward classes communities of the same status, as the Shudras amongst the non-Hindus.

(2) that there are certain communities amongst the upper three Varna i.e. Vaishyas, Kshatriyas and Brahmins who are extremely backward and since virtue of their present calling or otherwise they are no better than Shudras they too will have to be included in the backward classes. Thus the formula of Shudrahood would not cover all the communities which are backward.

As to the first ground I do not see what is the difficulty in considering or including in the backward classes communities of the same status as the Shudras amongst non-Hindus. As a matter of fact such communities amongst the non-Hindus like Sikhs, Muslims or Christians who are of the same status as Shudras are none else than converts to these religions from amongst the Shudras and therefore my criterion of Shudrahood includes the converts from these Shudras to any other religion.

As to the second ground I would submit that these communities worth the name which are found backward amongst the upper classes are only exceptions as among Shudras, the Kayasthas, Commas and Reddis appear as exceptions.

These very exceptions appearing in both cases conclusively prove the general rule that the so-called high castes of Dwijas are advanced and the Shudras are backward.

Many colleagues of mine belonging to Other Backward Classes also do not agree with the criteria of Shudrahood saying that it is very difficult to say who are Shudras today, and probably to my mind they must also be unwilling to call themselves Shudras. It is a well known fact that since the advent of Aryasamaj practically all the Shudra castes tried to upgrade themselves to one of the three higher Varnas namely Brahmins, Kshatriyas and vaishyas but utterly failed in their attempts.

The very fact that these castes changed their original names and adopted new ones should be sufficient to prove that they had belonged to the Shudra community.

Hence finally we can have the criteria in the following words which will cover the cases of all religions.

"All the so called Shudras excepting the Kayasthas in the northern and central India and the Commas and Reddis in southern India, are all backward and a change of religion does not affect any change in their social status, and hence in their backwardness."

"The exception both of Shudras and the high castes are mentioned in the list of advanced communities."

WHO ARE SHUDRAS

After the criterion based on Shudras has been decided it becomes necessary to discuss who the Shudras are and what is their origin.

The ancient history of India reveals two hostile races struggling for the soil. The one was a fair skinned people belonging to the Aryan or Indo Germanic stock which had lately entered India by the north western passes. The other was a dark skinned people known as the non-Aryans or Aborigines who were the earliest inhabitants of India from Baluchistan to Bengal some thousands of years before the advent of the Aryans into India.

The orientalisists greatly differ as regards the original home of the Aryans. In the opinion of eminent scholars such as Rhodé Schlegel, Pott, Jacob Lassen, Max Müller, Schleicher, Mommsen the original home of

the Aryan, was in Central Asia Lokmanya Tilak in his book 'The Arctic Home in the Vedas' writes that the Aryans came from the North Pole, whereas De Margan locates their home in Siberia. Shri Dayanand fixes their original home in Tibet Monier Williams places them in the tableland of Pamir Segu and Zaborowski think North Africa to be their real abode. Fligier opines that they originally belonged to Eastern Europe. There are other scholars who locate their home in Central and West Germany, Northern Europe South Russia, and even Scandinavia and Hungary. Although theories which locate their home in the Arctic Circle and Eastern Europe etc. have mostly been abandoned, the fact that the Aryans were not the original inhabitants of India still remains unshaken.

The following great Indians are assured that the Aryans came from outside and were not the original inhabitants of India.

1 Mahatma Mohandas Karamchand Gandhi, the Father of Nation (Extract from his speech on untouchability published in 'Aj' and 'Vartman' dated 27th December 1924).

2. Punjab Kesari Lala Lajpat Rai from his book "Bharat-varsh Ka Itihas" pages 21 and 22.

3 Lokmanya Pt. Bal Gangadhar Tilak. (Bharatvarsh Ka Itihas, by Misra Bandhu, pages 87 to 89).

4 Pt. Shambhари Misra, M.A., M.R.A.S. and Pt. Shukhdeo Behari Misra, B.A., known as Misra Bandhu (from their books 'Bharat-Varsh Ka Itihas' 1st Part, pages 62 to 63).

5. Pt. Janardan Bhatta, M.A. (From his article entitled 'Bharti Puratatva Men Nai Khoj.' published in 'Madhuri' monthly Magazine of March 1925)

6 Shri Pt. Ganga Pd. JI, M.R.A.S., Deputy Collector, U.P. and Ex-Professor Meerut College (From his book "Jati Bhed" pages 27 to 29)

7. The poet Shri Ravindra Nath Tagore (From his book 'Ravindra Darshan' written by Shri Sukh Sanpatrai Bhandari, pages 81-82)

8 Shri Nagendra Nath Basu, M.A., M.R.A.S. (From 'Bharti Lipi-tativa, pages 47 to 51)

9. Shri Ramesh Chandra Duttaji, well known translator of *Rig Veda* (From 'Pracheen Bharatvarsh Ki Sabhyata Ka Itihas' 1st Part pages 17 to 19).

10. Acharya Hindi Sahitya Pt. Mahabir Pd. Dwevedi, (From his book 'Hindi Bhasha Ki Utpatti')

11. Babu Shyam Sunder Das, B.A. Secy Kashi Nagri Pracharni Sabha, and Editor Hindi Shabda Sagar Kosh and Professor Banaras Hindu University (from his book 'Hindi Bhasha Ka Vikas', pages 3 to 7).

12. Pt. Lakshman Narayan Garde, B.A. Editor 'Srikrishna Sandesh' (From his book 'Hindutwa' pages 8 to 9 and 29).

13 P. Jagannath Pd Panchol Goud (From book Aryan Ka Adm Nivas)

14. Rai Bahadur Chintamani Vinayak Vaidya MA LLB (From his book Mahabharat M mansa)

15. Swami Satyadeo Ji Parebrajak (From his book 'Jati Shiksha' pages 8 and 9).

16. Shri Ramanand Chatterjee, President 12th Session of All India Hindu Mahasabha and Editor 'Modern Review' (From his Presidential address)

17. Acharya Prafulla Chandra Rai (From his Article in 'Aj' dated 29th November 1926).

18. Editor 'Desh Bhata' (From Desh Bhakta of 29th February 1924)

19. Pt Jawaharlal Nehru (From his book 'Letters from the father to his daughter').

20. Shri Yogesh Chandra Pal (From the monthly Magazine 'Prem' of Brindaban of May, 1927, pages 136 to 143).

It should suffice here to quote only the relevant extracts from the writings of the Father of the Nation, Mahatma Gandhi and Pt. Jawaharlal Nehru, our popular Prime Minister and I am sure they alone will convince our readers.

1. From the speech of Mahatma Gandhi the President of 39th Session of the National Congress published in 'Aj' and 'Vartman' dated 27th December, 1924 on 'untouchability.'

एक और नकाबट जो कि स्वराज्य के रास्ते में खड़ी है, अस्पृश्यता है। और हिन्दू लोग सब तक स्वराज्य का कोई दावा नहीं रखने और न पा सकते हैं जब तक कि वे अपने दखिन भाइयों का उनकी आजादी न दे दें। उनको दवा कर वे अपनी किञ्ची खुद दुवा बैठे हैं। आर्य-जाति के आक्रमण-कारियों (हमलावर काँसा) ने हिन्दुस्थान के मूल निवासियों (कदीमी वाशिन्दों) से अगर ज्यादा बुरा नहीं तो कम से कम बिल्कुल वैसा ही मलूक किया जैसा कि हमारे अग्रज आक्रमणकारी आज हमारे साथ कर रहे हैं।

English Translation of above.

"One more obstacle which stands in the way of Swaraj is untouchability and Hindus cannot claim Swaraj so long as they do not give independence to the depressed classes brothers. They have sunk their own boat by suppressing them. The aggressive Aryan invaders subjected the aboriginal tribes in India to be same mal-treatment if not worse, as is now meted out to us by the British invaders."

2 Extract from the book written by Pt Jawaharlal entitled in Hindi translation "*Pita Ki Aur Se Putri Ke Nam Patra.*"

"आपरो देखे पहले भारतवर्ष में क्या हुआ। हम पहले देख चुके हैं कि उस प्राचीनकाल में मिश्र की तरह भारत में सभ्यता मौजूद थी। उस समय भारत में जो लोग निवास करते थे उनका नाम द्राविडियन था। उन्ही लोगों के वंशज आज दक्षिणी भारत में मद्रास के चारों तरफ रहते हैं। उत्तर में आर्यों ने इन द्राविडों पर किया प्रायः इन लोगों का मध्य एशिया में एक बहुत बड़ा समुदाय था जिनकी योजना न मिलने के कारण अन्य देशों में वसना पड़ा

Come and let us see what happened in India we have seen before that in ancient days India possessed its own culture and civilization as Egypt. *Those who inhabited it at that time were known as Dravidians. Their descendants are today living round about Madras. The Aryans invaded these Dravidians from the north. Surely these Aryans must have been a big force in Central Asia, who had to go and live in other countries for want of food.*"

The Vedic hymns definitely prove the theory of Aryan immigration from abroad. In the Vedic hymn we find ample evidence to show that the Aryans came from outside and having subjugated the original inhabitants, contemptuously styled them as 'Dasyu or Dasa'.

"The terrible Aryan King well armed and able to defeat his foes in battle, opposed to the unsacrificing, upholder of the sacrificing, civilizer of all, gradually brings the 'Dasa' under his control." (Rig. V. 34.6).

Some orthodox scholars presume or try to prove that India has always been the original home of the Aryans. They rely only on the authority of Puranic traditions and have not yet been able to produce any rational arguments in favour of their theory. *To advocate this theory is to go against the evidence furnished by even the Vedic hymns.* It falsifies history and goes against all the available literary and ethnological evidence. The archaeological data supplied by the excavations of Sindh Valley at Mohenjo-daro and Harappa also greatly shatters this theory.

Dr. A. C. Das is the first man to defend the orthodox theory with modern weapons. Two other scholars Mr. Pargitar and Mr. Pavgee also have laboured hard in setting the home of the Aryans in India. Dr. Dutta has strongly repudiated the orthodox theory and has given unassailable reply to Dr. A. C. Das' arguments. Dr. Dutta has also ably answered the arguments of Mr. Pargitar and Professor Lachhmi Dhar Kalla of Delhi University. He says about Mr. Pargitar arguments that he unnecessarily dabbles in philology and not only brings to discredit the philological evidence in the eyes of the world but also ruins the cause for which he invokes the aid of philology. The geological arguments of Mr. Pavgee have been too often repudiated to need any mention here. Prof. Lachhmi Dhar Kalla and a number of other scholars have argued that the original home of the Aryans was in India but their arguments have hardly convinced the world at large.

Dr. Caldwell has written in his famous book known as "A Comparative Grammar of the Dravidian Language" that it is admitted that before the arrival of the Aryans or Sanskrit speaking colony of *Brahmins, Kshatriyas and I stas* the greater part of Northern India was peopled by rude aboriginal tribes called by Sanskrit writers *Dasyus, Nishadas, Mlechhas* etc.

THE ABORIGINES OR DASYUS OR DASAS

The Aryans entered India about the 3rd millenium B.C. and came in contact with the original inhabitants who did not surrender at sight but offer strong resistance. Consequence a long and furious struggle followed. The literature of the Aryans themselves bears sufficient testimony to this memorable struggle. The hymns of Rig Ved reveal two hostile races struggling for the soil namely the 'white skinned' and God worshipping Aryans and the black skinned and Godless Dasyus or Dasas.

In the Vedas the Aborigines have been frequently referred to as Dasyus or Dasas. The Rig Ved is in fact, replete with illustrations of the conflicts between two people. Some of these are given below.

"Know the Aryas, and those who are Dasyus. For the sake of the righteous destroy or subjugate the lawless and bring them to order. Omnipotent Lord be the helper of the righteous. I seek the fulfilment of all the laws. (Rig. Ved 1.51.3).

"O, Indra both with your powers and thunderbolt destroy the resourceful Dasyus moving alone. Let the unrighteous and thieves and robbers meet their death with their bow." (Rig. 1.33.4).

These Vedic hymns bear sufficient testimony to the fierce struggle that took place between the Aryans and the Dasyus or Dasas. The proud conquerors, the Aryans swelling with the arrogance of their white complexion contemptuously called the original inhabitants by the most abominable terms viz., Dasyus and Dasa signifying enemy and slave respectively. The Aborigines alone were considered Dasyu or Dasas, as is clear from some of the Vedic hymns quoted below. Although these hymns might also establish the fact that the Aryans were quarrelling among themselves, yet this does not stand to reason and appears to be improbable. Had such a state of animosity existed among the Aryans themselves at the time of their invasion of India it would have been well nigh impossible for them to defeat the aborigines who, as I will show later on, were equally organised and strong and there must have been some minor quarrels and classes amongst themselves for supremacy of power and the Aryan invaders might have come across some isolated Aryan foes in their advance into India, but such furious determined and continual war as is revealed by the Vedic poems could never have taken place among the Aryans themselves in the early period of their incursion. If, however, any such war did ever take place among them it must have taken place at a much later period when the Aryans had fully established themselves in the country.

1. "Thou O, Indra, doest strike both foes, the Aryan and Dasyu" (Rig. Ved VI 33.3)-1.

2. "They (Indra and Agni) strike the foes, both Aryan and Dasa (Rig Ved VI 60.6).

3. "Thou (Agni) didst take the goods of mount and plain and didst strike the foes both Aryans and Dasyus." (Rig. Ved. X. 69 6-1

The following observations made by different eminent writers further go to prove conclusively that by the term Dasyu or Dasa

aboriginal tribes who were the original inhabitants of India are meant,

- (1) *Muir, the well known Orientalist*—After quoting numerous vedic hymns to illustrate the terms Dasyus and Dasa says "It is tolerably evident from the nature of the case that in all or at least some of the texts which have been hitherto adduced we are to understand the barbarous aboriginal tribes of India as intended by these terms.
- (2) *Sir William Hunter writes* "The victorious Aryans called the early tribes Dasyus or enemies and Dasa or slave".
- (3) *Macdonell writes* "The invaders though split up into many tribes were conscious of a unity of race and religion. They styled themselves as Aryans, as opposed to Aborigines to whom they gave the name of Dasyu and Dasa".
- (4) *Dr. N. K. Dutta writes* "The Dasyus were the natives of the soil whose towns and fortresses were captured and properties seized by the aggressive Indo Aryans and who were gradually being pushed away from the country they were a different race of men, evidently natives of the soil as the Aryans have been shown to come to India from outside".
- (5) *Mr. E. A. Blunt writes* "On entering India the Aryans found the country inhabited by a race, to which they gave the name Dasyu. The Aryans were a fair skinned people and for the time highly civilised. Dasyus were a mere collection of jungle tribes, dark skinned and little better than savage. The Aryan hated and despised the Dasyu, whose physical peculiarities, manners and customs were all repugnant to him."

I do not propose to deal at length with the question as to which racial stock these original inhabitants belonged. There is considerable, historical, literary, ethnological and archaeological data available to show that they mainly belonged to the Dravidian and the Kolarian Groups. According to the views of Sir William Hunter there are two branches of the Dravidians—the Kolarian speaking dialects allied to Mundari and the Dravidians proper whose language belongs to the Tamil family.

We, therefore, come to the conclusion that the Dasyus or Aborigines belonged to the great race known as the Dravidian. Let us now see how they were admitted to the Aryan society and were transformed into Shudras.

Shudra is nothing but another name for a slave. If you analyse the definitions of Shudra and slave you will not find much difference. Slavery in the rest of the world was wiped out through legislation but slaves in India remain up to the present day under the name of Shudras.

established Governments. They had strong fortresses and castles in which they defended themselves against the invaders. They lived in great castles and had developed strong tribal organizations and matriarchal systems. They had their own civilization and culture, their own language and religion, their own customs and usages, their own habits and manners.

They had in fact, their own ways of living quite different from those of the Vedic hymn makers. Although their literature was completely destroyed by the Aryan invaders and no written record of their past glory and national prosperity are traceable anywhere yet excavations like those of Sind Valley and Mohenjo-Daro and Harappa have proved beyond doubt that they knew how to make round pots or earthenware, that they fought with iron weapons, and wore ornaments of copper and gold etc. There are numerous hymns in the Rig Veda in which we find clear references to their highly advanced civilization e.g. those showing that Dasyus lived in cities (Rig Veda 1.53 & 1,103.3) that they possessed accumulated wealth (R.V. VIII, 40[6] in form of cows, horses and chariots (R.V. II, 15.4) though kept in hundred-gated cities (R.V. X. 99.3) India seized and gave away to his worshippers, the Aryans (R.V. I. 176.4) and so on.

The influence of the Dravidian language on the Indo-Aryan languages is easily traceable. There are, in all Indo-Aryan languages a considerable number of words which are not traceable in other Indo-European languages, but which are apparently identical with the Dravidian speech.

In classical Sanskrit and even in Vedic languages many words of Dravidian origin can be pointed out. Dravidian characteristics have been traced alike in Vedic and classical Sanskrit in the Prakrit of early popular dialects and in the modern Vernaculars derived from them. Dr. Gundert has given a list of words which have been borrowed by Sanskrit from the Dravidian Languages. Dr. Caldwell has quoted a number of words in his famous book "A Comparative Grammar of Dravidian Languages". Dr. Sumit Kumar Chatterjee also in his book "Origin and Development of Bengali Languages" mentions many points of similarity between the Indo Aryan and Dravidian showing probable influence of the latter in order to make clear that non-Aryan element is more Dravidian than anything else.

All this shows that the language of the Aborigines (Dasyus and Dasas) was in no way inferior to that of the Aryans. Actually their religion and culture were also far superior to those of the Aryans and the discoveries made from excavations at Mohenjo-Daro and Harappa in the India's Sind Valley have fully confirmed this view.

HOW DASYUS OR DASAS BECAME TO BE KNOWN AS SHUDRAS

After the Aryans won a substantial victory over the Dasyu or Dasa aboriginals they wanted to establish their political supremacy over them and in order to achieve this object they first mercilessly slaughtered the Dasyus, seized their fortresses and castles, ruined their towns and cities, destroyed their literary and historical records wiped out every sign of their civilization and culture, looted their wealth and property.

This was the first stage of the Aryan repression and tyranny. The second stage followed when the conquerors felt the need of labourers in their new settlements or when they realised that it was more profitable to

enslave than to kill their enemies and therefore modified the original policy of ruthless extermination. After consolidating their victories they intended to settle down in the country permanently and therefore needed the services of labourers and artisans. Moreover the number of the conquered people was much greater than their own.

They may well have brought with them labourers and artisans of their own but their number could not have been great. The Dasyus or Dasas were thus saved from the tragedy of complete extirpation, but were reduced to the position of helots or serfs of the Aryan Master. To keep themselves aloof from these hopeless natives and to preserve the purity of their own blood, the Aryans evolved the system of *Chaturvarna* or four castes. Already there were three classes among the Aryans in the Punjab, the priest the ruler, the cultivator or artisans. To these a fourth class consisting of the Dasyus or conquered aborigines was added and was named the *Shudra* cast. With the inclusion of this new caste in the Aryan society there appeared the danger of the handful of conquerors being submerged both racially and culturally by the overwhelming population of the black Dasyus.

Therefore, a policy of social exclusiveness was adopted and strong barriers were raised forbidding any kind of inter-course between the first three castes and the fourth.

The process of transforming of Dasyus into Shudras had begun even in the Vedic period as is shown by the word 'Dasa' (slave) slightly modified from Dasyu which has been frequently used by the Vedic poets. In the Vedic period we find some of the Aryans chiefs in possession of a large number of slaves and it is true that the wealth of the Aryans was to some extent made up of ownership of slaves. *Dasa as slave referred to in Ved III 53.6.* The possession of slaves is compared to that of numerous cattle, they being liable to be given away for the enjoyment of the donee in Rig Ved. X. 62.10.

In the beginning only those Dasyus who were captured as war prisoners by the Aryans were reduced to slavery and were named Shudras. But the word gradually began to be applied to other Dasyus also or non-Aryans in general.

In the later Vedic literature the Shudra is often contrasted with the Aryan, instead of the Dasa or Dasyu of Rig. Ved. Thus the Rishi in the Atharveda (XIX 62.1) says "Make me dear to goods, dear to princes, dear to every one who beholds me, both the Shudra and to Arya". Again in (IV 20.4) of Atharveda "By it I see everything whether the Shudra or the Arya" (See in Origin and Growth of Caste in India by Dr. N. K. Dutta (Page 100.2))

By the time of the Brahmanic supremacy, the Dasyus were completely transformed into the Shudras, a term which came to include all the conquered native who were reduced to the position of slaves and serfs. The Dasyus who were reduced to a completely dependent position had no other choice but to submit to the will of their overlords, if any one resented the new title, brute force was a most effective weapon in the hands of the Aryans to keep him silent. Thus the Dasyus of Northern India were forcibly assigned the lowest position in the Aryan society and henceforth began to be called the Shudras.

The term Shudra was gradually extended to the Dravidians in Southern India. As the Dravidians of Southern India were sufficiently strong and powerful, and so maintained the independence of their race, for the Aryan Brahmins to impose on them the name of Shudra. The application of this term to them must have been by flattery and not by force. Although the Brahmins were successful in imposing on the Dravidians the new title, the latter still retained their independence to greater or lesser degree. The application of the term "Shudra" writes Dr. Caldwell, to the ancient Dravidian chieftains, soldiers and cultivators does not prove that they had been reduced by the Brahmins to dependent position, or that they were slaves as the northern Shudra appear to have been to any class of the Aryans. The Brahmins who came in peaceably and obtained the kingdom by flattery, may probably have persuaded the Dravidians that in calling them Shudra, they are conferring upon them a title of honour" (See Grammar of the Dravidian Languages for this quotation of Dr. Caldwell). But when once the title of Shudra was imposed on the Dravidians it was difficult, may impossible, for them to shake it off. The Brahmins, who had in the beginning, cunningly conferred the title by flattery, gradually came forward to establish their overlordship and to compel them to enter into their services as slaves and serfs. The Dravidians of Southern India were thus brought to the same level as their Dravidian brothers in northern India.

The word Shudra was thus in the course of time extended to all the Non-Aryan aborigines or Dasys of India who had more or less reluctantly submitted to the Aryan invaders. The word Dasyu fell in disuse and was replaced by the new term Shudra.

The following are the opinions of some of the eminent writers on the subject which are worth mentioning here in this connection. —

1. *Dr. Caldwell writes* "The aboriginal Non-Aryan inhabitants of India seem to have been subdued and transformed from Dasyus and Malechas into Shudras by slow degrees." (See Comparative Grammar of Dravidian Languages Page 130)
2. *Ragozin in His Vedic India writes* "The last change which the word Dasyu underwent is very significant: it ended by meaning simply "slave", "servant" (slightly altered into Dasa) thus telling of conquest completed and closely answering the more modern Shudra.
3. *Macdonell in His "Sanskrit Literatures" writes* "when thoroughly subjugated the original inhabitants, ceasing to be called Dasyus, became the fourth caste under the later name of Shudras".
4. *Ernest Hourwity writes* "When the Hindus first entered India the Punjab was a happy hunting ground of dark skinned natives who offered stout resistance to the Aryan aggression, but in the end coloured opposition was squashed. In the latter Hindu polity the vanquished aliens being serfs to Aryan masters constituted the fourth and lowest caste. The three higher status positions military and agricultural consisted of Aryan freeman (See Veds and Vedānta 1937 Pages 89)

5. *Mr. Kane, another Scholar writes* The word Dasa in later literature means a serf or a slave. It follows that Dasa tribes that we see opposed to the Aryans in the Rig. Ved. were gradually vanquished and were then made to serve the Aryans in the Manu Smriti (VIII, 413) the Shudra is said to have been created by God for service of the Brahmans. We find in the Tai Samhita the Tai Brahmans and other Brahmins works that the Shudra accepted the same position thatin the Smritis. Therefore it.....able to infer that the Dasas or Dasyus conquered by the Aryans were gradually transformed into the Shudras. (See Dharma Shashtra 11(1) page 33).
6. *G. S. Ghurye writes* "Further when this fourth class is definitely formulated it the brahmanic literature contemplate it as in contra-distinction to the other 3 classes. Thus the Vedic opposition between the Arya and the Dasa is replaced by the brahmanic classification of the Dvijati and the Ekajati (the shudra), suggesting the transmutation of the Dasa into the shudra in the minds of the writers of the Brahmanic and later periods."*

How these Shudras (the original inhabitants of India) were further divided into touchables and untouchables and how a section of the same retired and hid in the jungles and refused to serve as slaves will be known from the following paragraphs. They subsequently during the British period came to be known as, Scheduled Castes, Other Backward Classes and Scheduled Tribes respectively.

1. Those who accepted defeat readily giving up their arms were made *touchable Shudras* and allotted various occupations now prevalent among them up to the present day, like those of Ahirs, Sonars, Lohars, Telis, Tambolis and Kumbhars etc. They are now known as Other Backward Classes.

2. Those who gave a tough fight to the Aryans and could be defeated only after a great struggle were given more punishment by being made *Untouchable Shudras* and they were also allotted some occupations which were considered to be still lower like that of a sweeper or shoe maker, etc. These are now known as *Scheduled Castes*.

3. Those who bravely fought and fought with the Aryans and even after suffering a defeat did not like to become slaves or Shudras retired and hid in the jungles where they have lived for thousands of years and are almost completely away from the influence of the religion and culture of the Aryans. Their position is exactly similar to those who went underground during the last struggle of freedom. They are now known as *Scheduled Tribes*.

Although the touchable Shudras are considered to be superior in social order to the untouchable Shudras Scheduled Castes and Scheduled Tribes and likewise the Scheduled Castes (Untouchables) are considered superior to Scheduled Tribes yet no one can deny the fact that the sacrifices of the Scheduled Caste are much greater than those of the touchable Shudras and

those of Scheduled Tribes are the greatest of all and therefore to my mind the lower a man is in society the higher he is in character and sacrifice for freedom because this position of high and low in social order is in proportion to the punishment he had been given for having fought for freedom, and the severity of punishment in its turn is in direct proportion to the valour with which one has fought for his freedom.

Hence the Scheduled Tribes deserve more respect and honour than the Scheduled Castes people and the latter in their turn more than the touchable Shudras although as stated above the order of respect at the present day stands in reverse order.

Out of the indigenous population of the so-called Shudras, the Untouchables are already classed as Scheduled Castes or Harijans in the terminology of our Bapu, and it is the remaining touchable Shudras who ought to be termed as Other Backward Classes.

The third category of the indigenous population which remained away from the influence of Aryan culture and religion and hence could not be termed as Shudras has also been classified as Scheduled Tribes or Gijjans in the words of our Chairman Shri Kaka Kalelkar.

These Scheduled Tribes people are now more or less assimilating with the Hindus and the latter are not prepared to give them any higher social position than the Shudras although like other Shudras many of these have also begun calling themselves twice born or *Dwija* Classes of Brahmans, Kshatriyas or Vaishyas. Hence my theory of so called Shudras covers them also if the term backward classes be used in its wider sense to include Scheduled Castes and Scheduled Tribes also.

It will not be out of place to mention here that the fact that these so-called Shudras are backward socially and educationally today is not without foundation. As regards their social position it is self evident that they had to accept this position under compulsion, because otherwise they were under the fear of being killed as conquered people.

As regards education there is abundant evidence in writing in the Manu Smriti and other religious scriptures that these Shudras were not allowed to read and write, and molten lead was to be poured in the ears of any one of them who heard any Vedic hymn.

Hence it is clear that these so called Shudras were kept educationally and socially suppressed by the Aryans or the three *Dwija* Class of Brahmans, Kshatriyas or Vaishyas.

The very fact that since these people have been allowed to read and write they have produced very many good and learned people from amongst them is sufficient proof of the fact that they are in no way inferior in intelligence to the so-called advanced classes.

Had they been provided with equal opportunities from the very beginning they would never have been in this backward condition.

HINDUISATION OF SHUDRAS

It has been fully proved and explained before that the Dasys were gradually admitted into the Aryan society and constituted the fourth class "Shudras". Originally they belonged to a distinct race and had a culture of their own, but having been admitted into the Aryan society, it was but natural for them to lose their individuality. It is absolutely wrong to speak of racial purity in India. Amalgamation of blood has taken place through centuries of their mutual contact and it would be quite erroneous to point out any race in India as pure. When the Aryans were short of women they began to marry the Shudra women and in course of time had adopted the custom that each higher caste could marry women of the lower castes. Shudras were allowed to marry their own women only. In spite of all these restrictions the marriages between the women of high-castes and men of lower castes also in time became in vogue and were known as *Pratilom* marriages. The issue from such marriages were despised and ranked as Shudras. The present descendants of the two ancient races do not carry in their veins blood equally pure as that of their earliest ancestors, yet a difference of language and cultural usages does exist between them even today particularly in South.

Thousands of years of this contract with Aryans and their social and religious institutions, has weakened their sense of separate identity, and through the thousand year of their political subjugation their physical, mental and spiritual deterioration, resulting from the Aryan invasion has been completed. The Hindu influences have worked invisibly and have entirely moulded their mentality to considering themselves having been born to serve the high castes. Sir Edward Gait in 1911 Census Report describes the process of Hinduisation thus:—"An aboriginal tribe in an environment where Hindu influences are strong, comes gradually and half unconsciously to adopt ideas and prejudices, to take part in Hindu festivals, to attend at Hindu temples and to pay a certain amount of homage to the Brahmans. Some degraded members of the priestly caste or perhaps some Vaishnava Gossain in search of a livelihood, becomes their spiritual guide and as time goes on the difference between them and their Hindu neighbours in respect of their social customs and outward religious observances, become less and less marked and at last they are regarded by themselves and their neighbours as regular Hindus. The change takes place so slowly and insidiously that no one is conscious of it. There is no formal abandonment of one ritual for another. "Thus in centres of Aryan civilisation, the aboriginal people have been pounded down in the mortar of Hinduism into low castes and out castes. The Hinduising process still continues. The bolder and more isolated of the aboriginal tribes have succeeded in keeping themselves apart and in preserving their ethnical identity. Some of the Hill Tribes and the gypsy clans are recognised even to this as distinct from Hindu population. The weaker of them submitted in ancient time to the Aryan invaders and have partially merged their separate identity with the Hindu community. The Hinduising process has not ceased and is still going on among the aboriginal tribes in many parts of the country. If we study various census reports of India, we shall find that every new census brings to light a number of new castes in the Hindu population

LIST OF OTHER BACKWARD CLASSES TO BE PREPARED CASTEWISE OR NOT

We all know very well that the ultimate goal of the Congress and the present Government has been since their very inception to form a *casteless and classless society*. The President in his speech inaugurating the Commission also stressed that he hoped that the Commission will pave a path for the formation of a casteless and classless society. If this is earnestly desired then we have to make a beginning of it somewhere otherwise it will always remain a theory and merely a subject for talks on the platform. It is now seven years since the gaining of Independence but no steps have been taken by Government towards the achievement of this goal. I should say rather that casteism and communalism have much increased since then. The reason for this is also not far to seek. The higher castes have begun feeling that independence is meant only for them and that they are at liberty to exploit and suppress the lower castes now as in the past. Moreover they know that down from the police and the magistracy up to the judiciary and the ministry, everything is in their own hands and under their own control. Secondly the Hindus, due to the creation of Pakistan, have ceased to worry about the Muslims, and similarly because they have driven away the Britishers and achieved independence they feel that Christians who were always suspected of attempting to carry favour with the British through conversion should now be reclaimed, consequently we are having daily reconversions from Islam and Christianity to Hinduism. I should like to quote here two instances of atrocities perpetrated by the so called higher caste people on members of the backward classes and Scheduled Castes just after independence in the very State of our venerable President. One relates to Thana Ekma of Saran or Chhapra district and the other to Samastipur district. In the former case one Rajput chopped off the ears of a Teli who was working for the uplift of the backward classes and who had himself refused to do forced labour (begar) of that Rajput and had also refused to allow other backward classes people to yield to him. When the said Teli went to the Thana with his mutilated ears bleeding, his report was not even lodged as the staff is said to have belonged mostly to higher castes especially of the Rajput community. A telegram was sent to me at the time and on my arrival I found a great commotion among the backward classes people who gathered in thousands to greet me. I told them that they should take no violent action themselves but should follow the teaching of Mahatma Gandhi, who not only preached in words but showed in practice that his non-violence and truth policy could face the big guns and ammunition of the Britishers and the latter had had to leave the country. But a few young people complained to me that I, non-congressman, was preaching Gandhian ideology which showed that I had become afraid of the Congress Government. I told them that I believed in non-violence and therefore advised them not to indulge in violence as otherwise their own people would suffer the most. After I returned from that place I learnt that some of the people had conspired and had attacked that Rajput, had cut off his ears and nose as well. Whereupon the police had come and had accused the said Teli gentleman of being implicated, although it is alleged that he was not present. The private complaint of said Teli was dismissed and the poor fellow was sentenced to 4 years R I on the police case against him for cutting off the nose and ears of that Rajput.

Similarly in the district of Samastipur a still more horrible incident occurred in connection with a Scheduled Caste woman. It was said that a snake had bitten somebody in the family of a Rajput and that Rajput was told that the washer-woman who lived in his village was a witch, and that she had sent the snake. He then called the said washer-woman to his house and asked her to heal the lady and on her pleading innocence she was subjected to the most inhuman treatment, namely that she was stripped naked and a red hot piece of iron was pierced into her private parts, and when she still protested her innocence half of her face was coloured red and half black and she was turned out of the house in that naked condition.

The case was filed in court and I was sent the file for argument as I had done a number of such cases of atrocities free in Bihar and other places and people had confidence in me. But as I was laid up in the hospital I could not go and do not know what the result was. I however hope that too drastic consequences did not follow.

These are not the only cases, a number of such things are happening every day but are not allowed to appear in the papers as the papers also mostly belong to members of the higher castes who naturally do not care to give publicity to such incidents.

It would appear that communalism and casteism are more rampant now than before, as has been said several times by our popular Prime Minister in public speeches. Unless we take drastic measures to stop this evil it will not end of itself. If we prepare the list castewise for these Other Backward Classes, instead of doing any good to these classes it will tend to accentuate and perpetuate casteism. Many people have accepted and expressed this view during their examinations before the Commission, on my specifically questioning them on the subject.

The Delhi State Government has even voluntarily suggested this theory in their note sent under their letter No. F.5(13)/54-Edu. dated 11th October 1954 in reply to the Commission's letter No. 45/1/54-BCC dated 19th August 1954. An extract whereof is also reproduced below:—

"The bulk of our population, Hindus and Muslims are backward. Therefore why not eliminate the advanced communities such as the Brahmans, Rajputs, Parsis, who are at the top in business, trade, Government offices, etc., which in any case cannot be more than thirty per cent of the total population of India.

Apart from this the Commission will not be in a position to give an exhaustive list of these classes because in our tour we have found that only the most vocal and forward castes among these backward classes have come to represent their cases whereas the most backward, the really dumb masses, have not been able to either come and represent their cases nor has anybody else taken the pains of doing so because every caste appeared to feel that the greater the number of castes included in backward classes the lesser will be its share in the amount of amenities provided as the resources of the Government are after all limited. I tried to prepare an exhaustive list of castes in a particular state by referring to Census from 1911 to 1941 as in these Census reports the castes are given exhaustively but to

my despair I found that a number of castes which we found during our tour or in the replies of questionnaires and in memoranda submitted by various communities are not to be found in the Census list of that State.

Hence I have come to the conclusion that an exhaustive list of all the backward classes is not possible, and the danger of missing the most backward to whom we owe the greater responsibility both moral and legal of investigation and inclusion in the list is great.

On the other hand the advanced or non-backward castes in the terms of my learned Chairman are very few in each State and are such that they are just like shining stars in the sky which cannot be missed.

Hence in my opinion it will be much better that we give the list of non-backward or advanced castes only of each State, which is not difficult, nor is there danger of missing any one of them. We may then say that barring these communities on the one hand and Scheduled Castes and Scheduled Tribes on the other, all the rest are backward.

Many arguments have been advanced by some of our colleagues on this point saying that this will be going against the terms of reference which clearly provide that list of socially and educationally backward classes should be prepared. We must not stick to the letter of the terms of reference but should look to its spirit being carried out.

Further in my opinion there is no provision in the Constitution under Art. 340 under which the Commission has been constituted that the Commission *should prepare a list of socially and educationally backward classes.*

The Art. 340 is reproduced below and no such provision is to be found in its wording. Art 340(1) The President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their conditions and as to the grants that should be made for the purpose by the Union or any State and the conditions subject to which such grants should be made, *and the order appointing such Commission shall define the procedure to be followed by the Commission.*

Hence, as I have stated above, the terms of reference are not to be literally followed. So far as the preparation of list is concerned it has been provided in defining the procedure to be followed by the Commission. Moreover, it should suffice the purpose if by any method we can properly define the backward classes.

The other argument which is also advanced is that by the above method we shall not be able to provide amenities of various kinds to members of these classes according to the degree of backwardness and the result will devour the whole of the funds and the more backwards will be left still without any help. Accordingly they have divided the entire list of castes constituting these other backward classes into 2 categories namely backward and most backwards. The latter shall be marked with asterisk

and shall mean those who are nearing the border of Scheduled Castes or actually are such that their position is even worse than many of the Scheduled Castes people but not being untouchables cannot be included in that list. But they forget that each caste itself contains the above said 2 categories and therefore it would not be quite unfair to place the second category people of a group with first category people of the same groups in which case the former would be debarred from getting the amenities provided for the second category marked asterisk groups and would also not be able to compete with its first category men and *vice versa*. Secondly this sort of division will create further heart-burning among our own masses, and will increase the separatist tendency of which we have been prey for so long a period, and to which our present status is largely due.

We cannot get a perfect system without any shortcomings or disadvantages, but our aim should be to have a system with the minimum of shortcomings and disadvantages and the maximum of advantages.

Many people, including Dr. Ambedkar, had held the same opinion. An extract from his replies to questions during his examination may be quoted below with advantage.

Question—There is a danger of the more advanced and more plucky amongst the backward classes getting all the advantages that are offered for bettering the lot of the backward classes. How would you guard against this danger?

Dr. Ambedkar—I don't think it is a danger. *If the backward classes get the best it is good. We are starting a separation theory, that more backward should be separated from the backward classes.*

Now, therefore, the question naturally arises that if the list of backward classes is not prepared caste-wise how shall we stop the danger of the more advanced and more plucky amongst the backward classes getting all the advantages that are offered for bettering the lot of the backward classes?

In the beginning for some times I also was thrown in a great dilemma and considered that it could not be possible to guard against this danger without classifying them into A.B.C. castewise as stated above.

But now after great pondering and discussions with other persons I have been able to find the way to do it and it is as below.—

1. That after we have specified Other Backward Classes in the manner stated above without giving their castes, we should deal with each case individually while giving amenities either in education or services
2. That a certain economic standard should be fixed above which no amenities shall be provided no matter to which caste the individual belongs. It may be fixed at the rate recommended by the Commission

3. That the applicants applying for aid should be asked to supply the following information certified by some responsible persons of the locality or preferably by some recognised organisation or by gazetted officers and it should be printed in red ink at the end of the application that any one found certifying wrong facts including the applicant, shall be very severely dealt with and after a number of cases are actually severely dealt with the practice of giving false certificate will stop:—

- (a) The family income of the applicant and if any family members are gainfully employed then details of their salaries
- (b) The number of students receiving education in his family with the amounts of their school fees and the classes in which reading.
- (c) The number of under-graduates and graduates in his family (family will include the whole pedigree of a family).
- (d) The number of Government servants in his family.
- (e) Approximate population (local or general) of the community or group to which the applicant belongs.

Now by following the process of elimination we can judge the merit of each applicant for the amenities to be provided. If there are numerous graduates and undergraduates in a family then other things being equal the applicant should not be given any facility in preference to any one who has a lesser number of graduates in the family. Likewise until now to have many Government servants in one's family was considered a qualification for appointments but henceforth it should be deemed a disqualification to the degree that one who has the greater number of Government servants in his family should not be given any amenities.

The information under para (c) above has been asked with a view to eliminating those cases of major castes which are equally poor and possess an equal number of graduates or under graduates in preference to minor population castes. Although I feel that the word community and caste again comes in under this head of enquiry, yet it seems inevitable. It will not create so much feeling of casteism as giving the list of castes. I would even be prepared to forego obtaining this last information if it be felt that this will also bring about the same result. In that case the only danger will be as pointed out by my learned colleague Shri T. Mariappa that some of the major castes may be more benefited. I consider this to be a lesser evil than the accentuation and perpetuation of casteism. Still better if we were to replace this clause (e) by the following words which would serve more or less the same purpose as required by the said clause:—

The number of M L As M P's and other local body members in his family

Any person who belonged to any caste community or group which was considered to be untouchable on the day of adoption of the Constitution will be considered as Scheduled Castes.

As none after the enforcement of the Constitution can be legally considered to be an untouchable and hence the above definition of Schedule Caste is more appropriate.

In view of the theory discussed a list of the advanced communities of each State should be prepared, which would not be difficult as question No 181 of our Questionnaire already demands such a list. We may therefore, refer to the replies of each State Government to our Questionnaire coupled with the evidence received during our tour from minister, officials, social organisations and other social workers we get it easily, as appended below.

Some of the State Governments, it may be mentioned gave a very long list of advanced communities some of which on their very face appeared to be absurd. It is quite true that there is the hierarchy of caste throughout and hence comparative backwardness but if we judge in the light of the social backwardness of community what is the main and essential ingredient of backwardness we shall be forced to come to the conclusion that all the so called Shudras (excepting a few as stated above) are backward. The very fact that many of the castes constituting Shudras have tried to upgrade themselves to one of the *Dwija* castes and have accordingly changed the name of their castes also is sufficient proof of the fact that they were considered to be socially low and therefore needed this device of upgrading. It is also worthwhile mentioning in this connection that although they tried to upgrade and thereby call themselves Brahman, Kshatriya or Vaishya but none accepted them to be such in the society. They appeared just like a crow with peacock feathers and as soon as the truth was revealed they looked very small. A few like Kayasthas, Commas and Reddis amongst the Shudras have become advanced now is mainly due to the fact that along with their educational advancement they have also begun sharing effectively in political, Governmental posts and other spheres of life, and hence to not suffer any more from the inferiority complex common to the Shudras.

The lists of advanced classes in each State are given below:—

LIST OF ADVANCED COMMUNITIES OF EACH STATE

N.B.—1. Efforts have been made to stick to the list of advanced communities provided by Government unless it appeared to be wrong on the very face of it as in the case of Madhya Pradesh Government where 56 castes have been shown as advanced classes. In such cases the evidence produced before the Commission or received through the replies to questionnaire or memoranda has been taken into consideration in its final decision.

3. The capital letter B, R, V & S marked before each of the castes shows that they belong to Brahmins (B), Rajput (R), Vaishya (V) or Shudra (S) *varnas* respectively :—

1. PUNJAB

- | | |
|--------------|-----|
| 1. Brahman | (B) |
| 2. Rajput | (R) |
| 3. Arora | (R) |
| 4. Baniya | (V) |
| 5. Agarwal | (V) |
| 6. Ahluwalia | (S) |
| 7. Jat | (S) |

2. DELHI

- | | |
|-----------------|-----|
| 1. Brahman | (B) |
| 2. Khatri | (R) |
| 3. Vaishya | (V) |
| 4. Jain | (V) |
| 5. Kayasth | (S) |
| 6. Jat | (S) |
| 7. Anglo-Indian | |

3. HIMACHAL PRADESH (Including Bilaspur)

- | | |
|------------|-----|
| 1. Brahman | (B) |
| 2. Rajput | (R) |
| 3. Bania | (V) |

4. AJMER

- | | |
|--------------|-----|
| 1. Brahman | (R) |
| 2. Kshatriya | (B) |
| 3. Vaishya | (V) |
| 4. Jain | (V) |

5. RAJASTHAN

- | | |
|------------------------|-----|
| 1. Brahman | (B) |
| 2. Rajput or Kshatriya | (S) |
| 3. Vaishya | (R) |
| 4. Kayastha | (S) |
| 5. Khat | (V) |
| 6. Sindhi | (V) |
| 7. Khattri | (R) |

6. KUTCH

- | | |
|------------|----------------------|
| 1. Rajput | (Jadeja and Vaghela) |
| 2. Brahmin | (B) |
| 3. Bhatia | (R) |
| 4. Salat | |
| 5. Sodha | |

7. SAURASHTRA

- | | |
|---------------------|-----|
| 1. Brahman | (B) |
| 2. Brahm-Kshatriya. | |
| Rajput or Kshatriya | (R) |
| 3. Bania | (V) |
| 4. Jain | (V) |
| 5. Kayasth | (S) |

8 BOMBAY

1. I rahman (B)
2. Kshatriya (R)
3. Vaishya (V)
4. Kayasth (S)

9. ASSAM

1. Brahman (B)
2. Baidya (Between B & R)
3. Kshatriya (R)
4. Bais, Bania (V)
5. Kayasth (S)
6. Kalta (S)

10. WEST BENGAL

1. Brahman (B)
2. Bhuihar (B)
3. **Baidya** (Between B & R)
4. Benas (V)
5. Kshatriya or Khetri (R)
6. Rajput (R)
7. Jain (V)
8. Kayastha or Kastha (S)
9. Agarwal, Agarbalia, Agarwar (V)

11. MANIPUR

1. Brahman or Grahbipra (B)
2. Baidya (Between B & R)
3. Kshatriya (R)
4. Meitie
5. Kayastha (S)
6. Kalita (S)

12. TRIPURA

1. Brahman (B)
2. Baidya Between B & R
3. Ugra Khatriya (R)
4. Agarwalla, Agarbalia (V)
and Agarwar
5. Thakurlok Khatriya (R)
6. Rajput (R)
7. Raj Paribar Barga (R)
(Khatriya)
8. Khatri or Khetri (R)
9. Vanihar (V)
10. Kayastha (S)

13. UTTAR PRADESH

1. Brahman (B)
2. Chatriya or Rajput (R)
3. Vaishya (V)
4. Khettri (R)
5. Chauhan (R)
6. Taga (Tyagi) (B)
7. Bhoomar (B)
8. Kayasth (S)

14. MADHYA BHARAT

- | | |
|---------------------|-----|
| 1. Brahman | (B) |
| 2. Rajput | (R) |
| 3. Vaishya, Mahajan | (V) |
| 4. Agarwal | (V) |
| 5. Khettri | (R) |
| 6. Jain | (V) |
| 7. Kayastha | (S) |

15. BHOPAL

- | | |
|-------------------|-----|
| 1. Brahman | (B) |
| 2. Jain | (V) |
| 3. Rajput | (R) |
| 4. Bania | (V) |
| 5. Kayastha | (S) |
| 6. Parsi | |
| 7. Anglo-Indians. | |

16. VINDHYA PRADESH

- | | |
|--------------|-----|
| 1. Brahman | (B) |
| 2. Kshatriya | (R) |
| 3. Vaishya | (V) |
| 4. Thakur | (R) |
| 5. Kayastha | (S) |

17. MADHYA PRADESH

- | | |
|---|-----|
| 1. Brahman | (B) |
| 2. Rajput | (R) |
| 3. Bania | (V) |
| 4. Kshatriya | (R) |
| 5. Kshatriya including
Prabhu and Karanas. | (S) |
| 6. Oswal | (V) |
| 7. Maheshwari | (V) |
| 8. Jain | (V) |
| 9. Parsi | |

18. MADRAS AND ANDHRA

- | | |
|--------------------------------------|-----|
| 1. Brahman | (B) |
| 2. Saivite Mudaliars | (S) |
| 3. Bhoja Nayudue | (S) |
| 4. Pillais | (S) |
| 5. Mudaliars | (S) |
| 6. Chettiars | (V) |
| 7. Vaysya | (V) |
| 8. Kamma | (S) |
| 9. Kapu except
Thurpukapus | (S) |
| 10. Velama except
Koppalavelammas | (S) |
| 11. Kshatriyas | (R) |

19. COORG

- | | |
|------------|-----|
| 1. Brahman | (B) |
| 2. Coorgs | (R) |
| 3. Bunts | |
| 4. Nairs | (S) |

20. MYSORE

- | | |
|---------------|-----|
| 1. Brahman |) |
| 2. Mudahars | (S) |
| 3. Kshatriyas | (R) |
| 4. Rajput | (R) |
| 5. Vaisyas | (V) |

21. TRAVANCORE-COCHIN

- | | |
|---------------|-----|
| 1. Brahman | (B) |
| 2. Kshatriyas | (R) |
| 3. Nairs | (S) |
| 4. Namudris | (B) |

22. HYDERABAD

- | | |
|--------------|-----|
| 1. Brahman | (B) |
| 2. Reddies | (S) |
| 3. Komties | (V) |
| 4. Marwaries | (V) |
| 5. Kayastha | (V) |
| 6. Velma | (S) |
| 7. Parsies | |

23. BIHAR (as given by State Govt.)

- | | |
|-------------|--------------|
| 1. Brahman | (B) |
| 2. Rajput | (R) |
| 3. Bhumihar | (B) |
| 4. Saiyed | (B) (Muslim) |
| 5. Agarwal | (V) |
| 6. Khatri | (R) |
| 7. Kayasth | (S) |

24. PEPSU

- | | |
|-----------------------|-----|
| 1. Brahman | (B) |
| 2. Kshatriya (Rajput) | (R) |
| 3. Ahluvalia | (R) |
| 4. Arora | (R) |
| 5. Baniya | (V) |
| 6. Gujar | (R) |
| 7. Jat | (R) |
| 8. Khatri | (R) |
| 9. Mahajan | (V) |
| 10. Sud | (R) |

25. ORISSA

- | | |
|---------------|-----|
| 1. Brahman | (B) |
| 2. Karans | (S) |
| 3. Kshatriyas | (R) |
| 4. Khandayats | (R) |
| 5. Od Chasa | (R) |

FOR ALL THE STATES WHEREVER THEY ARE FOUND

- (1) Christian:—Converts from non-backward classes are all advanced.
- (2) Muslims:—Converts from non-backward classes are all advanced.
- (3) Sikhs —Converts from non backward classes are all advanced

GOVERNMENT SERVICES

The need for judicious distribution of Government services

The Money, Power, Honour and Respect attached to the Government services are the greatest attractions of the day. The insecurity of service in the private sector of the economy is also one of the reasons that divert people to the Government services. As Dr. Ambedkar has observed in course of his evidence to the Commission, adequate representation for all sections of people more especially from the lower social status, will gradually bring about the psychological change which would ultimately result in shedding the concept of high and low.

It is obvious that the services are not unlimited and cannot absorb everyone. Yet a judicious distribution of all sections of the people throughout Government services is desirable and no particular section of the population should exclusively enjoy the benefits attendant on Government services to the detriment of other sections particularly in a country like India where caste rigours and social incompetence are at the maximum, adequate representation in Government services of all section of the people would be a mitigating factor. Caste prejudices have unfortunately been the main factor in keeping a certain section perpetually exploited and suffered. A fair representation of the people in the lower rung would go a long way towards removing the existing social and economic inequalities and, incidentally, educational backwardness also.

In 1925 a timely appreciation of the situation by the Britishers resulted in their formulating a policy of reservation of certain percentage of direct recruitment to Government services as a remedial measure to wipe out social inequalities. The first paragraph of the Resolution No. F./14/17-B/53 dated 4th July 1934 of the Home Deptt. of Govt. of India reproduced below, will prove the above statement:—

“In accordance with undertakings given in the Legislative Assembly the Govt. of India have carefully reviewed the result of the policy followed since 1925 of reserving certain percentage of direct appointments to Government services for the redress of communal inequalities.”

In the above said Resolution under paragraph 3 the case of the depressed classes, now known as the Scheduled Castes has been specifically dealt with in the following words:—

“In regard to the Depressed Classes it is common ground that all reasonable steps should be taken to secure for them a fair degree of representation in the public services. The intention of caste Hindus in this respect was formerly stated in the Poona Agreement of 1932 and Her Majesty's Govt in accepting that agreement took due note of this point”

When this matter came before the Govt. of India after the Round Table Conference they evaded it neatly by framing this latter part of paragraph 3 in the above said resolution in the following words :—

“In the present state of general education in these classes the Govt of India consider that no useful purpose will be served by reserving for them a definite percentage of vacancies

out of the number available for Hindus as a whole but they hope to ensure that duly qualified candidates from the depressed classes are not deprived of fair opportunities of appointments merely because they cannot succeed in open competition."

In paragraph, (vi) of Rule 1 of Section III of the same resolution the Government further states in the following words :—

"In order to secure fair representation for the depressed classes duly qualified members of these classes may be nominated to a public service, even though the recruitment to that service is being made by competition. Members of these classes, if appointed by nomination, will not count against the percentages reserved in accordance with class (1) above."

Although much facility is granted to depressed classes by the said resolution yet how little implementation it received at the hands of the people incharge of administration and appointment may be clearly seen

Subsequently supplementary instructions connected with above said resolution were also issued. Its paragraph 10 runs as follows :—

"Non-observance of Orders :—Any appointment made contrary to the orders contained in the resolution read with foregoing supplementary instructions, should be regarded as null and void and should be cancelled by the head of the department concerned as soon as it is brought to his notice through annual returns or otherwise."

This shows how the Britishers were keen to bring these classes up in Government services but I am almost sure no cases were declared null and void under this order because the entire machinery of administration is in the hands of persons who are not at all sympathetic towards these classes and would never allow implementation of such rule however strict.

The Government of India, feeling that in spite of various measures having been taken to secure increased representation of Scheduled Castes in the public services the results obtained so far have not been substantial in following the above policy in regard to representation of Depressed Classes, reviewed the whole policy under Resolution No. 23/5/42-Ests.(S) dated 11th August 1943 of the Home Department and although recognising that this is mainly due to the difficulty of getting suitably qualified candidates, they then considered that reservation of a definite percentage of vacancies might provide the necessary stimulus to candidates from these castes to obtain better qualifications and hence to become eligible for various government posts and services. Under paragraph 4 of the said resolution they framed the following rules to be observed in future in order to secure better representation of the Scheduled Castes in public services —

- (1) Although Scheduled Castes deserved 12.75 per cent on population basis out of the total number of vacancies yet feeling that it was not likely that a sufficient number of candidates would be forthcoming to fill the full number of vacancies, the Government of India thought it would be sufficient to reserve a somewhat smaller percentage viz 8½ per cent in the Central and Subordinate services by direct recruitment on an all India basis

- (2) The same rule to be applicable in case of services to which recruitment is made by local areas or circles and not on all India basis.
- (3) If Scheduled Caste candidates obtain fewer vacancies in open competition the difference, if possible, to be made up by nomination of duly qualified candidates from the castes.
- (4) If Scheduled Caste candidates obtain less number of marks in open competition and duly qualified candidates from these castes are also not available for nomination the remaining seats shall be considered to be unreserved, but a corresponding number of vacancies will be reserved in the following year in addition to such number, as would ordinarily, be reserved for them in that year under clauses 1 and 2 above.
- (5) If duly qualified candidates of Scheduled Castes are again not available to fill the vacancies carried forward from the previous year, the vacancies not filled by them will be treated as unreserved.
- (6) Minimum standard of qualification to be observed.
- (7) The maximum age limit to be extended by 3 years in case of candidates of Scheduled Castes.
- (8) The fee of examination to be reduced to one fourth in these cases.
- (9) These rules to be applicable to temporary vacancies also lasting 3 months or longer.

Subsequently by Resolution No. 31/8/46-Ests (S) dated 6th June 1946 the Govt of India decided to increase reservation for Scheduled Castes from 8½ per cent to 12½ per cent so as to bring it in accord with population ratios. Further supplementary instructions connected with the above resolution provided a roster of 24 vacancies.

After Independence the Government of India reviewed the whole policy of reservation of posts in Govt. services *vide* Resolution No. 16/10/47-Ests.(R) dated 21st August 1947 and maintained the same rules practically for reservation of seats for Scheduled Castes in open competition and fixed vacancies to be filled from the open market otherwise than by open competition, the reservation was increased to 16½ per cent in case of Scheduled Castes. Under supplementary instructions contained in No. 31/93/47-Ests.(S) dated 22nd August 1947 practically same rules were adopted as were framed by the British Government on 11th August 1943 given above.

It is noteworthy that even after a review of the whole policy followed by Britishers in regard to reservation for Scheduled Castes the present Government did not think fit, to adopt the penal clause stated under paragraph 10 of supplementary instructions of Resolution No. P.14/17-B/33 dated 4th August 1934.

Under Resolution No. 42 '1/49-NGS dated 30th July 1949 the reservation policy in Government service was extended to Scheduled Tribes also and age limit was also relaxed by 3 years.

The Government of India again reviewed the policy of reservation in Government services in the light of the Constitution under Resolution No 42/21/49-NGS dated 13th September 1950 and the same percentage of reservation as before was maintained in the case of Scheduled Castes in both kinds of services namely 12½ per cent and 16½ per cent in services to be filled by open competition on an all India basis and otherwise respectively. In the case of the Scheduled Tribes only 5 per cent was reserved in both kinds of services and as before these rules were not applicable to recruitment by promotion.

Subsequently by Resolution No. 42/19/51-NGS dated 25th June 1952 the maximum age limit for non-gazetted services was increased by 5 years in the case of both Scheduled Castes and Scheduled Tribes.

Now after having traced the developments which took place during the last 29 years (1925 to 1954) in regard to the reservation policy of the Government with respect to Scheduled Castes and Scheduled Tribes I would submit a few extracts from the reports of the Commissioner for Scheduled Castes and Scheduled Tribes for the years 1952 and 1953 which will show that in spite of the establishment of a department separately for these classes and their having become the most vocal in society they are not able to get full implementation of their rights of reservations even after a lapse of a period of nearly thirty years. It is also most astonishing that although these Scheduled Castes and Scheduled Tribes are enjoying political reservations by dint whereof they have their members in State Legislatures and in both Houses of Parliament and have ministers everywhere belonging to these castes, yet they are not able to get full implementation of reservations in the services. I have come across a number of students belonging to these castes who have passed the Entrance and I A and are still unemployed. The general remarks made by the recruiting officers that suitable candidates from these castes are not available is absurd.

EXTRACTS FROM THE REPORT OF SCHEDULED CASTES AND SCHEDULED TRIBES COMMISSIONER FOR THE YEAR 1953

1. "In order to check up the actual position of Scheduled Castes and Scheduled Tribes in service in the various offices of the Central Government, I requested the Ministries of the Government of India to furnish me information showing percentage of Scheduled Caste and Scheduled Tribes employees serving on the 15th November 1952, in the Ministries and their attached and subordinate offices in various grades, in permanent and temporary capacities. The information received up to the compilation of this Report is given in Appendix IV. I also wanted to check up the overall picture as depicted by the returns which are expected to be submitted by the Central Government Offices to the Ministry of Home Affairs, in the two Statements at Appendices G and H of the Office Memorandum reproduced at Appendices III of this Report. I am, however, informed that in spite of reminders, the required returns, even in respect of the years 1950 and 1951, have not been received from all concerned. The position as depicted by the information contained in Appendix IV in so far as the Scheduled Tribes are concerned, is very discouraging. The position regarding the Scheduled Castes is not so discouraging as in the case of the Scheduled Tribes but it is also in no way encouraging. Unless very serious efforts are made by the appointing authorities to attract candidates belonging to Scheduled Castes and Scheduled Tribes it is not possible to increase the

intake of these people in Government services. The only way to do so is to issue strict instructions to the authorities concerned to properly observe the reservation rules and wherever possible to relax the existing rules in favour of the people. (page 64)

2. "The statistics collected from the Employment Exchange during the period January to August 1951, showed that Central Government establishments notified nearly 29,000 vacancies (other than those for casual workers) to the Employment Exchanges, of which 818 (2.8 per cent) were notified to be specifically reserved for the Scheduled Caste candidates. This shows that either:

- (a) Vacancies reserved for Scheduled Castes are not always notified, or not notified as such, to the Employment Exchanges, or
- (b) the order regarding reservation for Scheduled Castes are not being strictly observed.

The Ministry of Home Affairs have, no doubt, brought these statistics to the notice of the appointing authorities and made it clear to them that the reservations provided for the Scheduled Castes and Scheduled Tribes in Government services are according to the provisions in the Constitution of India as such it is obligatory that they should be strictly followed. They have also been requested to take all possible steps to secure increased representation of Scheduled Castes and Scheduled Tribes in posts and services under their control. I hope that with the issue of these instructions the situation will improve. I understand that the Ministry of Home Affairs are again collecting statistics to check up the correct position in this respect." (Page 64).

3. "As regards the relaxation of existing rules in favour of candidates belonging to Scheduled Castes and Scheduled Tribes, I would make the following suggestions :—

- (a) It has been noticed that when recruitment is made by a Government Office to reserved vacancies, candidates belonging to the Scheduled Castes/Tribes are not selected for appointment on the plea that they do not have the required suitability for the post though they may have the requisite educational qualifications. I would suggest that in such cases, Scheduled Caste and Scheduled Tribe candidates with minimum educational qualifications (e.g., Matriculation in case of recruitment of clerical posts) should be selected for temporary appointments without any comparative merit being assessed on the basis of a departmental test (like typewriting test, etc.). The appointing authorities can, no doubt, retrench such of these employees as do not come up to the average standard after a probation period of say, one year.
- (b) In the competitive examinations it is generally found that the Scheduled Caste and Scheduled Tribes candidates are not able to qualify in the written tests and even where they do qualify they do not secure sufficient marks in *viva voce* and thus remain unselected. I am of the opinion that some consideration must be shown to those people in written and *viva voce* examinations. The fact that these people are not expected to come up to the general standards for some years to come should not be forgotten at the time of such tests.

As in the case Central Government offices I called for information from the State Governments also showing the percentage of Scheduled Castes and Scheduled Tribes employees in Government service as on 15th November 1952. It is, however, a pity that in spite of repeated reminders the information has not been received from most of the part A and part B States. Whatever information I have received will be found at Appendix V of this Report. *Information given is as discouraging as it is in the case of Central Government offices.* I have already mentioned above the need of intensifying the efforts to increase the intake of Scheduled Caste and Scheduled Tribe candidates in Government service and hope that all the State Governments will do whatever possibly they can to attract candidates from these communities." (Page 71).

4. "As additional information I have given four statements in Appendix VI of this Report showing:—

- (a) Number of Scheduled Caste applicants on the Live Registers of the Employment Exchanges as on 30th November 1952, according to occupational categories and educational qualifications
- (b) Number of Scheduled Tribe applicants on the Live Registers of the Employment Exchanges as on 30th November 1952, according to occupational categories and educational qualifications
- (c) The work performed by the Employment Exchanges in respect of Scheduled Caste applicants during the period January 1952 to November 1952
- (d) The work performed by the Employment Exchanges in respect of Scheduled Tribe applicants during the period January 1952 to November 1952

The figures in these statements speak for themselves and do not require much comments on my part. *I must, however, say that if all concerned had sympathised with the recruitment policy of the Government of India, quite a large number of 38,869 Scheduled Caste and 2,357 Scheduled Tribe employment-seekers who were on the Registers of the Employment Exchange, on 30th November 1952, would have found gainful employment*" (Page 71)

EXTRACTS FROM THE REPORT OF THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES FOR THE YEAR 1953

I "Similar information has again been collected by the Ministry of Home Affairs from the Employment Exchanges, which shows that during the period March 1952 to March 1953, Central Government Establishments notified 43,507 vacancies (other than those for casual workers) to the Employment Exchanges and out of them, only 1,699 were notified as reserved for Scheduled Castes and 348 for Scheduled Tribes. This indicates that 4.2 per cent and 0.8 per cent of the vacancies were notified as reserved for Scheduled Castes and Scheduled Tribes, respectively, during the above mentioned period. *These percentages are much lower than percentages of reservation provided for these communities, i.e. 16.33 per cent for Scheduled Castes and 5 per cent for Scheduled Tribes.* The Ministry of Home Affairs have again brought these facts to the notice of the employing authorities and impressed upon them that as the reservations provided for Scheduled Castes and Scheduled Tribes are based on the

provisions in the Constitution of India and that the reservation of these communities is generally inadequate. The Commission has observed that the reservation orders are strictly observed by the Government and the vacancies reserved for Scheduled Castes and Scheduled Tribes invariably notified as such to the Employment Exchanges. They have also been asked to inform their attached and subordinate offices, accordingly." (Page 124)

2. "One of the recommendations made by the Scheduled Caste Commissioner runs as follows —

"Scheduled Caste and Scheduled Tribe employees of the Central Government should be given preference over non-Scheduled Caste/Tribe employees in matters of promotion, provided they are otherwise considered fit."

The Scheduled Caste Commissioner, however, as to why in this connection:—

"I understand that objection to accepting this recommendation is that such a step should have a demoralising effect on non-Scheduled Caste and Scheduled Tribe employees as the Government employees are not supervised by the Scheduled Caste and Scheduled Tribe employees. I do not quite appreciate the force behind this objection. In a Scheduled Caste/Scheduled Tribe Government employee is considered fit in all respects for promotion. It is pointed out that the Government want to give preference to Scheduled Caste and Scheduled Tribe employees in order to fulfil certain constitutional obligation, but that have a demoralising effect on the other Government employees, is not very clear. In that case, even the reservation made for Scheduled Caste and Scheduled Tribes at the time of direct recruitment can be said to have a demoralising effect. I would therefore request that this suggestion should be accepted. I feel that unless this concession is granted to these people, it will not be possible for candidates belonging to Scheduled Caste and Scheduled Tribes to reach higher positions in the Central Government service, for years to come."

3. "In order to check up the actual position of Scheduled Caste and Scheduled Tribes in service in the various offices of the Government, this year again the Ministries of the Government of India were requested to furnish information showing percentage of Scheduled Castes and Scheduled Tribe employees in the Central Government offices as on the 31st October 1953, and also of those appointed during the period from 1st November 1952 to 31st October 1953. (This information was obtained in the two statements given at Appendix IX of this Report). Another statement showing the total number of Scheduled Castes and Scheduled Tribes employed in the Ministries of the Government of India and its attached and subordinate offices (including Ministries of Railways, Communications, Finance and Information and Broadcasting) and in the organisations under its control as on 1st December 1952 is also given in Statement I at Appendix IX. It may also be mentioned here that in so far as Government to the Indian Civil Service/Indian Administrative Service is concerned, the position is that on the 1st January 1953, seventeen officers belonging to Scheduled Caste and Scheduled Tribes were holding posts in this cadre. The number of posts reserved for Scheduled Caste and Scheduled Tribes in this cadre is 100." (Page 125)

on vacancies in this cadre. It is that was 891. Accordingly the representation of Scheduled Castes and Scheduled Tribes in Indian Civil Service/Indian Administrative Service on that date was 1.9 per cent. and 0.1 per cent, respectively. During the year 1952, twenty-nine vacancies were filled in the Indian Administrative Service but none of them went to the Scheduled Castes and Scheduled Tribes. As regards Indian Police Service, on 1st January 1953, the persons belonging to Scheduled Castes were holding six posts and those belonging to Scheduled Tribes three posts in this cadre in Part A States. The number of persons belonging to other communities holding posts in the Indian Civil/Indian Police Service on that date was 462, thus their representation of Scheduled Castes and Scheduled Tribes in the Indian Civil/Indian Police Service on that date was 1.2 per cent and 0.6 per cent respectively. During the year 1952 thirty-six vacancies were filled in the Indian Police Service in Part A States but none of them went to the Scheduled Castes and Scheduled Tribes. This information in respect of Part B and Part C States has not yet been made available to me."

4 "These figures speak for themselves and do not require any comments to prove that the representation of the Scheduled Castes and Scheduled Tribes in the Central Government services in the lower grades as well as in the higher grades is still very poor. This calls for still more strenuous efforts on the part of the Government by all possible means. For this purpose I would suggest that the Government of India should set up a committee on which in addition to the representatives of the Ministry of Home Affairs and Ministry of Finance and other Ministries concerned of the Government of India one Member of Parliament belonging to the Scheduled Caste and one belonging to the Scheduled Tribe should be appointed."

5 "In the Report for the period ending December 1951, it was recommended that a special machinery should be set up to scrutinize the returns showing the position of recruitment of Scheduled Caste and Scheduled Tribe candidates in Government service which are submitted to the Ministry of Home Affairs by the various Ministries of the Government of India and their attached and subordinate offices, and to ensure that instructions issued in connection with the reservation orders are strictly observed. No action appears to have been taken so far by Government to consider this proposal seriously."

6 "As will be seen from Statement I* the States of Bombay, Madras, West Bengal, Madhya Pradesh, Mysore and PEPSU have not fixed the percentages of reservation for Scheduled Castes and Scheduled Tribes on the basis of their population in the respective States. The Government of Travancore-Cochin have no doubt fixed the percentage of reservation on the basis of the population of Scheduled Castes and Scheduled Tribes in the State, but their orders apply only to posts other than those carrying initial pay of Rs. 175 p.m. or above. The main reason given for not fixing reservations in services and posts under these State Governments in accordance with the population of Scheduled Castes and Scheduled Tribes, is that qualified candidates for meeting these people are not ordinarily available to complete even the existing quotas. This should not, however, be used as a reason for not fixing the quota in services for these castes and tribes according to their population."

7 As in the case of Central Government Offices information has been called for from the State Governments as well as the percentage of Scheduled Caste and Scheduled Tribe employees in the State Government services as on the 31st October 1953, and also of those appointed during the period 1st Nov. 1952 to 31st October 1953 (This information which has been received from a very few states is reproduced in the two Statements at Appendix XII* of this Report). *On the whole, the position as depicted by the above statements is not very encouraging and calls for more strenuous efforts on the part of the State Governments to increase the intake of the Scheduled Castes and Scheduled Tribes in the States Services."*

On perusal of the above reports one cannot resist the temptation of concluding that the implementation of the reservations provided even under the Constitution of India for Scheduled Castes and Scheduled Tribes has not been achieved so far in spite of repeated instructions having been issued by the Home Ministry.

In the report itself it has been admitted by the Commissioner that if all concerned had sympathised with the recruitment policy of the Government of India quite a large number of the 38,869 Scheduled Castes and 2,357 Scheduled Tribes employment seekers who were on the registers of the Employment Exchanges on 30th November 1952 would have found gainful employment. Similarly by referring to figures given in the Report in Appendix XIII* statements 3 and 4 it will be found that 45,329 candidates among Scheduled Castes and 3,664 among the Scheduled Tribes who are shown on Live Registers at the end of November 1953 would have found employment.

In these very tables it is also noteworthy that the number of Scheduled Castes and Scheduled Tribes candidates submitted to the employer during the period in all the States is much less than the number of registered, which further shows the unsympathetic attitude of the authorities of the Employment Exchanges towards these poor castes.

It is an admitted fact that the key positions in all departments of the Government are occupied by caste Hindus who are by nature and birth quite unsympathetic towards the Scheduled Castes as they consider that their position in these services is safe only so long as they have a monopoly of them. As soon as members of the Scheduled Castes occupy the same positions there will be competition, and the Shudras being in majority might overthrow the Caste Hindus at any time.

Secondly the inborn feeling of superiority causes the caste Hindus to think that by giving good posts in the services to the Shudras they would be raising the social and economic positions of people ordained by age old customs and religious scriptures to be kept down.

Hence in my humble opinion the recommendations made for reservations of posts in Govt Services for the Other Backward Classes will meet the same fate as those for the Scheduled Castes and Scheduled Tribes are meeting today- and will remain on paper only.

The question naturally arises how can these recommendations be implemented. There are only two ways of doing it

- (1) that all the key positions and in particular those in charge of recruiting work should be held by members of all the Scheduled Castes and Scheduled Tribes and Other Backward Classes. This however is impracticable on two grounds: Firstly among these three categories of backward classes also there is so much casteism that in case one Other Backward Class candidate were appointed to any place he would try to exploit the Scheduled Caste and Scheduled Tribe candidates and *vice versa*. Secondly those already in employment in those posts cannot be removed before their retirement and "after that all others below them will have claim under ordinary rules.
- (2) The real and only solution therefore lies in the fact that the entire political power should be vested in the hands of the so called Shudras viz. Scheduled Castes, Scheduled Tribes and Other Backward Classes until such time as this caste feeling of high and low shall have disappeared. This was also exactly the feeling of Mahatma Gandhi, the Father of the Nation, who expressed it just a day before his assassination as follows:—

किमान

आज एक राजा जन आए थे। उनका नाम तो मैं भूल गया। उन्होंने किसानों की बात की। मैंने कहा मेरी बात तो हमारा गवर्नर-जनरल किमान होगा। हमारा बड़ा वजीर किमान होगा। सब कुछ किमान होगा। क्योंकि वहाँ का राजा किमान है। मुझे बचपन में सिखाया था—एक कीबत्ता है —

“हे किमान तू बादशाह है।” किमान जमीन से पैदा न करे तो हम क्या खायेंगे ?

हिन्दुस्थान का गवर्नर राजा तो वही है।

लेकिन आज हम उसे गुनाम बना कर बैठे हैं। आज किसान क्या करे ? एम० ए० बने ? बी० ए० बने ? क्या किया तो किमान मिट जाएगा। पीछे वह कुदाली नहीं चलाएगा जो आदमी अपनी जमीन से पैदा करता है और खाता है तो जनरल बने, प्रधान बने, तो हिन्दुस्थान की जकड़ बढ़न जाएगी। आज जो सत्ता पड़ा है, वह नहीं रहेगा।

By the word Kisan he meant nothing else than these backward classes constituting the Scheduled Castes and Scheduled Tribes and Other Backward Classes and I believe firmly that this was with reference to my talk with him during Simla Conference.

There I had described to him the deplorable conditions of Other Backward Classes or touchable Shudras and had enquired of him as to whether he needed a man like Dr Ambedkar to come out from their midst also when he may have to keep another fast for keeping them within Hindu fold. In reply he had told me that he knew the conditions of these classes very well and further said that taking up this question at present would create dissensions and a split in Hindu society which might prove detrimental to the attainment of independence. He had assured me that soon after Independence he would take up this cause and so he did with the result that orthodox Brahmins like Cudse could not bear it and shot him

It will not be a place to which the people is
disciples during his lifetime. I am a faithful who have been led
to him and his teachings after his death.

Some people might argue that by the word Kisan he could never mean the backward classes or the Shudras only as one of the advanced communities also follow the business of agriculture. In this respect I would invite the attention of such men to his earlier proclamation in which he had said that he would like to make an untouchable a Prime Minister of India. Secondly most of the Verses of Manu quoted below will prove that agriculture was considered to be the lowest work which naturally ought to be the lot of the Shudras. Some of the Hindu Scriptures tell us that agriculture and cow rearing were the professions of Vaishyas. In reply to this I would only say that this might have been so in very early period, but must even then have been mainly confined to the hoarding and selling of grown and harvested corn, and that the actual work of tilling the soil would never have been done by them. Being moneyed people they would not have cared for such arduous toil especially when there were plenty of labourers available. However, whatever may have been the conditions then no one can deny that today the agricultural labour is done mainly by Shudras as P. Thomas has also admitted in his book named 'Hindu Religion, Customs and Manners' in the following words :—

"The Vaishyas seem to have developed aversion for agriculture which occupation is now mainly left to the Shudras." (Page 19, 1st Para)

Our popular Prime Minister has also written in his book entitled "Discovery of India" that the main occupations of the Shudras were Cultivation and Domestic Service and the Vaishyas were chiefly traders and Bankers and also engaged in a number of other professions. (Pages 230 and 231).

The following are some of the hymns of Manu Smriti which also prove above contention:—

वेदाभ्यासो ब्राह्मणस्य, क्षत्रियस्य च रक्षणम् ।

वार्ता कर्म वैश्यस्य, विजिण्टानि स्वकर्मसु ॥ (मनुस्मृति अ० १० श्लोक ४९)

अर्थ :—ब्राह्मण का श्रेष्ठ कर्म वेद पढ़ना, क्षत्रिय का श्रेष्ठ कर्म प्रजा की रक्षा करना और वैश्य का श्रेष्ठ कर्म व्यापार करना है। यह उनके विशेष काम हैं।

वैश्य वृत्त्यामि जीः त्सु, ब्राह्मण क्षत्रियोग्रहि वा ।

हिंसा प्राया परापीनां, कृषि यत्नेन वज्रयते ॥ (मनुस्मृति अ० १० श्लोक ४३)

अर्थ :—वैश्य वृत्ति (व्यापार आदि) को चाहे कर ले। परन्तु हिंसा से भरी परवन्धता पूर्ण कृषि कर्म को यत्नपूर्वक छोड़ देवे।

कृषि सात्त्विकवृत्ति मन्थन्ते, सा वृत्ति सद्विहितम् ।

भूमि भूमिण्यांश्चैव, हन्ति काष्ठमयो मुखम् ॥ (मनुस्मृति अ० १० श्लोक ४४)

अर्थ :—कृषि को योग प्रदायक मानते हैं। परन्तु कृषि समान पक्षों द्वारा विहिता (नीति)

है क्योंकि हन मरिगा जाती है

It may be asked how can I say that by giving political powers to the backward classes the political powers of the scheduled Caste and scheduled Tribes, who are already enjoying the reservation in political power are still not able to get full implementation of the rights of reservation in Govt. Services provided for them under the Constitution.

The reason for this is not far to seek. Firstly because they being in a minority wield no influence in the Houses of Parliament or State Legislatures. Secondly most members from amongst these classes are drawn to various political parties that suffer from inferiority complex, and have no guts to press for their rights. The weapon of party discipline is always working against their interest in their own minds. An instance may be quoted from a recent charge levelled against a Muslim M.L.A. named Shri Harchand Singh with party discipline by the I.L.D. (Liaison Minister and Leader of the Congress Assembly). The charges were as below :—

1. When clause (14) of the Small Towns Bill was being debated, he delivered a *thundering speech which purported to threaten the Treasury Benches and threw a challenge to them.*
2. At Bhatinda Political Conference he advised Congressmen not to be complacent and reminded them "*that the people were not permanently wedded to the Congress and could change loyalties, if they continued to be ill treated*". (Sunday Standard dated 26-9-54).

The charges speak for themselves as to their justifications. Similar is the position of some of the ministers belonging to these classes. I have personally met some of these M.L.As and M.P.s and found that in heart they feel that injustice is being done to them but they have no courage to oppose it because they know very well that in case they dare do so they will meet the same fate as Dr. Ambedkar did, who in spite of being so powerful and learned a man had also got crushed twice in his elections for Parliament by men of very small worth as compared with his own.

Moreover our Bapu by saying that he wants to make a Kisan Prime Minister, a Kisan Governor-General only meant that the real political power should be centred in the hands of these people and then only would the entire administration will be afraid of making any mischief for them in matters of appointments and the like.

Usually it is also pleaded that able persons who might efficiently run the Government are not available amongst the backward classes.

EFFICIENCY IN GOVERNMENT SERVICES

Many of the backward class candidates are rejected for Govt. services on the ground of suitability or efficiency although they possess the minimum qualifications required for the particular service. This suitability or efficiency is such a vague term that the Britishers also in the past took shelter in the name of efficiency when they wanted to deny Indians recruitment in any particular service. They were to some extent justified in doing so because they wanted to rule this country by force, at the point of the bayonet, which of course needed a different type of efficiency than is required to-day. To-day we have a democracy and a nation can no longer afford to rule at the point of the bayonet but

through love and popular ty When the very outlook of the r c c n g d the definition of efficiency must also c c h n c l When t v h c by force efficiency demanded a p r s n w c o l d i t l t h e m of the people by his very appeal and who would put t h e into the task of maintain g author ty E f f i c i e n c y r e q that a person 'should be popular amongst the masses and should have a love for the masses, since *Democracy has been well defined as rule of the people by the people and for the people.*

Now let us see who can be the efficient administrator to-day. Whether the high caste man who has for ages kept the lower or backward classes people under his feet for purposes of exploitation or the lower class man who has for ages loved even the higher classes in spite of being exploited and down trodden. Secondly as 90 per cent of the masses come from these backward classes and poor people a man from amongst these very people would naturally be more popular than the high caste or richer man from the minority group of 10 per cent against whom the majority people have already a great heart-burning due to past actions against them, which is continued to some extent even to-day, in all spheres of their lives. Hence in view of the above facts it is abundantly clear that a backward class man can command more popularity and have more living feature which are the two main ingredients of efficiency in a democratic rule as discussed above. Therefore it is really a misnomer to call these backward people constituting all the three categories of Scheduled Castes, Scheduled Tribes and Other Backward Classes less efficient for services than the upper caste in these days of democracy particularly when the masses to be ruled constitute 80 per cent of these very people. This contention of mine finds support also in the two States of this country, namely Madras and Mysore, where there are ministries of mostly backward classes people. Their rule compared with the rule of other States will prove the above contention to be perfectly true.

The case of our President and the Prime Minister (although neither of them belongs to the masses) may also be quoted in this connection who due to their popularity and love for the masses alone are considered to be the best rulers in this country as compared with others

I was much pained to hear from my learned Chairman that he would like to recommend that backward classes should not be given further political powers by way of reservation of seats in legislatures and local bodies on the principle that two arms can not be given in a hand that says it is too weak to wield one weapon which he has already got.

An extract from the verbatim report dated 17th March 1954 regarding his questions and answers during interview of people by the Commission at Gwalior is reproduced below :—

Extract from the verbatim report dated 17th March 1954 of the Commission's sitting held at Gwalior during the examination of Kachhi, Ahir and Teli Samaj.

श्री गनपद सिंह : श्री थाप ने फरमाया कि बैकवर्ड क्लासिज को स्पेशल पोलिटिकल रिप्रेजेंटेशन नहीं मिलना चाहिए। लेकिन परेशानी यह है कि जितनी भी बड़ी हर्द जातिया हैं उनका सब जगह पर रामीनेशन है। गवर्नमेंट को यह सोचना चाहिए कि जो न्यारों मालों में गम हो रहा है उनको बन किया जाए

would rule otherwise. The British, who placed us simply with a view to keeping good relations with this country, so also it would be in the interest of the advanced communities to centre peacefully, and hand over the Government to the backward classes so that the relations between the two communities may remain good for ever.

I invite the readers' attention to the following words of the Father of the Nation spoken during prayers before his assassination on the subject of Kisan (already quoted above). The first words translated into English run thus :—

"In reality he (i.e. Kisan) is the sovereign of India but we have kept him as a slave."

This shows that in his opinion this country really belonged to the Kisans who means none other than the Shudras, or the backward classes constituting Scheduled Castes, Scheduled Tribes and Other Backward Classes and hence if they be given back the Raj of their country it would not be unjust and unfair.

It is very distressing that heart burning is increasing day by day among the people both of the so-called higher castes and of the lower castes. If not checked this might lead to more disastrous results, the only way to check it is to centre the entire democratic power in the hands of the lower or backward classes so that the so called higher classes may begin to give equal treatment to these lower classes even if it be out of fear only.

It has been my experience that real love and regard is found generally among people of equal social or economic status, but is created through fear alone if the people belong to different strata in society. There is a saying quoted below which is quite true to my mind.

"Bin Bhai Hoe Na Preet."

It will take a long time to change the hearts of the so-called higher castes so much that they begin thinking all people to be socially equal.

We still continue to have incidents of flagrant injustices such as those quoted below in spite of untouchability having been removed under the Constitution and in spite of the Father of the Nation having preached for years against untouchability.

I have read in "Dainik Veer Arjun" dated 14th October 1954 that during Gandhi Jayantee week some Congress Ministers accompanied by some social workers went round the villages and brought the Harijans into some temples and hotels, but soon after the departure of the ministers these temples and hotels were washed with milk to purify them, and at some places the Harijans were opposed with lathi by the higher caste people.

There was also one Professor of Rajkot College, named Shri D. S. Dhamelia, who belonged to the Nai (barber) community, and had been in England for higher education. He was selected by the Public Service Commission for the post of Assistant Director of Education as the first candidate in order of preference, while the second man was a Brahmin. It is said that because the Education Minister and Director of Education happened to be Brahmans the recommendation of the Public Service Commission was overlooked and the second man was appointed. In spite of

given was his inability to maintain discipline, although there had never been any such complaint against him in the past, but on the contrary he had always attained good results in his class. He was given a very good certificate by the Principal of the College. It is said that this was done simply to explain away the reason for his not being appointed in the above said post of Deputy Director as the Rajpramukh happened to be the President of the College and was a friend of the then Education Minister.

I can quote several other such instances of injustice against members of the backward or Scheduled Castes people by the high caste Hindus who will not allow the former any sort of equality of social status or an administrative post which would ultimately raise the social status of its holder.

Hence the other way left for creating this love and regard in the minds of the higher castes for the lower castes is only through fear, and this fear is achieved best through political power; because no one, however higher post or Govt. service he may hold can afford to displease the Prime Minister or the President and that is the reason why Gandhiji preferred Harijans in these two positions.

I make bold to say that it is fear of these backward classes being in majority with adult suffrage that some of higher caste men have begun to interest themselves in the lower classes otherwise I fear that none would have cared about their pitiable conditions.

The Commission appointed by the U.N.O. for enquiry into racial discrimination against the Black people by the Whites in South Africa has also come to the same conclusion that unless political power there is secured to the people of Indian origin and the Black people no real improvement can be effected.

It is mentioned in the report in the following words:—“Although the Commission appreciates the importance of securing equal economic opportunities for all, regardless of differences of race, colour or belief, it feels bound to state its conviction that steps to achieve political equality among ethnic groups are of prime importance and cannot be continually deferred without serious danger.”

Hence I would propose that until the new scheme of election based on economic cum territorial Constituencies, as discussed by me under the Chapter of political rights is introduced the political rights of all the following four broad divisions already accepted indirectly under the Constitution be reserved in accordance with their respective population. If this is not accepted as law by amending the Constitution then assurance should be given that it shall be adopted and followed by the Congress Party as a matter of Convention and tickets should be given to the most capable persons belonging to each of the following four sections:—

1) Advanced or non-backward classes

2) Other Backward Classes

(3) Scheduled Castes

(4) Scheduled Tribes

The latter is the minimum that could be proposed by me under the present circumstances.

The Chairman on several occasions when the demand was made for political rights gave long lectures pressing upon the witness that the nation has decided not to give any further special political representation to any one and that the political representation which has been given to the Scheduled Castes is also a necessary evil that will be ended after ten years.

In my opinion the reservations of Scheduled Castes and Scheduled Tribes should be continued so long as the idea of high and low has not totally vanished or they have not advanced to an equal level with other people, and for the Other Backward Classes it should be fixed for 20 years.

POLITICAL RIGHTS

We have come to the conclusion that the social and educational condition of all these backward classes cannot be bettered unless and until the entire power of the Government is put in their hands; or until full political rights are secured to them. There cannot be two opinion about the fact that communal representation has been solely responsible for the creation of Pakistan, but the backward classes as a whole cannot be said to be communal as they contain within themselves all religions and all castes. Many people who do not believe in the real uplift of these backward classes advance the plea that it is a communal body and I am bold to say that if this view be properly analysed the very persons advancing this plea will be found to practise communalism in every sphere of their life. I am aware that there is no use in asking for the reservation of political rights for the backward classes who form about 80 per cent of the total population of this country, but I cannot at the same time be blind to the fact that the minority of about 20 per cent at the top of the society still wields so much influence through money or otherwise that these backward classes in spite of their being in majority cannot win an election. There are many other factors apart from financial strength which work in favour of the 20 per cent. It is abundantly borne out by facts and figures that these very advanced classes are exploiting the rest of the people in every sphere of their lives and the latter are not able to stop it even in days of democracy and in spite of their being numerically much stronger. Hence it would not be unconstitutional in any way to limit the rights of such people for some time until this inborn capacity of exploitation is destroyed in them. The Constitution of Communist China, as you may be aware has put exploiters in the list of persons disabled for elections, if we do not take some such drastic measure it will be quite fair for some period to limit their political rights according to their population and they being in minority should be glad to have achieved this object of reservation without asking for it because I am sure that some day or other they will be forced to cry for such a reservation when the backward classes have become fully conscious of their rights. And in fact they are g more and more conscious

every day but this consciousness, I am very sorry to remark, is mixed with a feeling of abhorrence for the advanced classes which may ultimately be detrimental to the interest of the whole nation.

As I have already stated elsewhere to preserve this good will it is extremely necessary and incumbent upon these so-called advanced classes to willingly retire from the political field in favour of the backward classes for some time and give them full power.

So long as the present form of Constituencies on territorial basis solely is in existence, and the present rules of elections are in force, the only way to solve this problem is to provide reservations for all the following four groups already recognized or to be hereinafter recognized according to their population for some time to come, say 20 years. At the expiry of such a period the backward classes are bound to become sufficiently conscious of their rights and duties, and the so-called advanced classes may also have forgotten the mentality of exploitation which is second nature to them at present.

1. Advanced Classes
2. Other Backward Classes.
3. Scheduled Castes.
4. Scheduled Tribes

If the Government considers that this form of political reservation will ultimately prove to be detrimental to the interest of the nation and its solidarity then let this not for the time being be put in the Constitution, but be strictly followed by the Congress Organisation by way of convention during distribution of their tickets in seeking elections

If other political parties will not follow this convention they are bound to lose the sympathies of the public at large and all backward classes who form the majority will be with the Congress

This policy if adopted would be quite in consonance with the pledges of the Congress made before independence and with the wishes of the Father of the Nation expressed a day before his assassination, as already quoted. Otherwise the backward classes people will be led to think that this is all an "eye wash" which the people in power are going to provide, in the name of Scheduled Castes, Scheduled Tribes and Other Backward Classes simply with a view to begging votes without which they cannot survive in the days of democracy particularly now that there is adult franchise and the latter classes constitute an overwhelming majority.

In this connection I must add a few words in connection with the distribution of Congress tickets. As efficiency and minimum qualifications are pressed for in the reservation of Government services, likewise the tickets for the Assemblies and Parliament should also be given to able persons, and they should be bound only to follow the party discipline in so far as it does not directly or indirectly affect the interest of backward class. I sort of his will be done with clear heart to bring up the backward class no ignorant to-day as not to understand an

under-hand policy of any party which sets up a few "show boys" from amongst these classes to fill up the reserved seats. This tendency, if continued, is bound to create heart-burning between the advanced classes and the backward classes, which might ultimately result in revolution.

If this suggestion should be turned down as contrary to the national interest there is an excellent alternative in a method of election by which the poor masses who form the majority of the nation are bound to come in power irrespective of any distinction of caste and creed or provision of reservation. This method would totally eradicate both communism and communalism, as the result achieved would be nothing less than the fulfilment of communist ideology without creating hatred for capitalists or rich people. So long as rich people cannot use their wealth for exploitation of the masses or for enjoying undue political power of Government it should not worry the poor masses in any way. This method would be equally applicable to the whole world, as everywhere the poor suffer from the same disease in some form or the other. The India is to all intents and purposes leading Asia to-day, it might lead the whole world by starting this new method of election described below :—

NEW METHOD OF ELECTION BASED ON ECONOMIC-CUM-TERRITORIAL BASIS

(1) *Representation in Parliament, Legislatures and Local Bodies*

After India was made a Republic, we had one General Election in which all political parties, communal organisations and individuals contested. Although expenses for the various categories of elections have been fixed by the Government, huge sums of money were unofficially expended and the results had amply demonstrated that only the rich or those who could obtain extra funds were successfully returned. According to the present method of election any contesting candidate has to pay a deposit, print posters and notices and hire men to distribute them, arrange for platforms and engage speakers to canvass support, arrange for food and transport and on the top of all these legitimate expenses, perhaps, may feel obliged to spend liberally on the very eve of elections for illegitimate purposes in order to ensure success. If anyone wishes to stand for election, he must be in a position to meet the above situation. This is an impossibility for the middle classes, lower middle classes or the really poor sections of the population. People who are returned to the Assemblies and Parliament and who form the Government are really drawn from a section comprising less than 10 per cent of the population. Can this by any stretch of imagination be called democracy? Is this not a negation of democracy and a complete vitiation of the true spirit underlying the Constitution of India? Only a day before Gandhiji breathed his last, he mentioned in one of his prayer meetings that if it were in his hands he would make a Kisan Prime Minister, Kisan Governor-General and a Kisan everything as this is the land of the Kisan and they are the real sovereign of the land but we have made them slaves to-day. What is happening to-day? It is the moneyed men and money bags that play their part and stand as a stumbling block in the way of the progress and prosperity of the vast masses of kisan. The present methods of representation provide for an unequal fight *Adharm Yudha* which is a direct contravention and disgrace to our glorious history of the part of the Dharm Yudha which is recognised and practised in the days of our ancestors. It is a complete opposition to the true strength of the nation.

get down from his; if one broke his sword, the other would throw away his, the whole idea being to ensure an *equal fight*. What is happening to-day? The Adharma Yudha is being encouraged. The weak is asked to fight the strong and I could think of no better comparison than a boxing match in which the stalwart Sandow is put in the arena against a puny, weak, bony, trembling creature. With one blow the strong Sandow would fell the puny creature to the applause of the big crowd assembled to witness the match. But would anybody call this an equal fight? There is something radically wrong with a Constitution which provides for an unequal fight and which deprives the vast majority of the masses, who are stricken with poverty of having any opportunity of getting into the Legislatures or Parliament which are the seats of power. The immediate task of the Government is therefore to devise ways and means by which an equitable representation could be provided for the vast masses of the country.

The Government of India after the inauguration of the Indian Republic have constituted two commissions, one for the Delimitation of Constituencies and the other for the reorganisation of States. There is an urgent need for a third Commission to find out the best methods by which an equitable representation could be provided to all classes of people, and this might be called the *Methods of Representation Commission*. I feel convinced that the methods of representation must primarily be on an income basis irrespective of caste, creed or religion, forward or backward classes. For this purpose, the income of each family should be ascertained through the medium of census enumeration and an additional column provided in the enumeration records to show the income group under which the voters fall. Five or seven broad divisions could be made. Those families under the category of an annual income of (1) 500 and less, (2) Rs. 500 to Rs. 1,500; (3) Rs. 1,500 to Rs. 2,500; (4) Rs. 2,500 to Rs. 5,000, (5) Rs. 5,000 to Rs. 12,000, (6) Rs. 12,000 to Rs. 24,000 and (7) 24,000 and above.

At present, constituencies have been delimited on purely territorial basis with the provision that any adult could stand for an election. Invariably as stated above, the men who stand for elections and get themselves elected are the rich men or the men to whom the necessary resources are available. But in the suggested method of delimiting constituencies on an income-cum-territorial basis, the scope of contesting elections for those with different standards of income could be limited to their own spheres of income groups.

This would mean that a voter in the Rs. 500 and less group could stand only for that particular income group and so also in the case of other constituencies. Assume each constituency to consist of one lakh to seventy five thousand people for which one member is elected. It is fairly well established that about 50 per cent of such a constituency would belong to the first category, namely those having an annual income of Rs. 500 and below and hence the territorial jurisdiction of two such constituencies would make up one constituency for this income group. The area of constituencies would be increased as the income of the group to which it belongs increases. That is to say, the larger the person is the bigger the area he has to cover. Conversely, the smaller the person is the smaller the area he has to cover. This would be just

and proper. I would further propose that the election expenses of the first income group people should be entirely borne by the Government in the shape of providing loud speakers, tents and shamianas and printing of notices and posters etc.

Some people might plead that although it is an ideal system it is not practicable. I have examined all advantages and disadvantages of this system and find nothing impracticable therein.

By this method, a uniform and equal fight could be provided. It is possible, however, that political parties invariably led by the rich people would be setting up their own candidates in each category of a constituency. The fact remains that if one candidate has been provided with funds from his party resources, the other candidate could also be similarly financed by his party. The net result would be guarantee of true representation to all classes of people in the Legislative Assembly and Parliament. This would be a very great step forward towards true democracy and an ideal most admirably suited for the backward countries of the East and West where the degree of difference between the rich and the poor is hundred fold and thousands fold. The people who form the income group and those who are returned to the Assembly or Parliament on this basis would eventually be classified as lower middle classes, middle classes, upper middle classes and actually rich as they generally are in Western countries. It is often said by those in power or by political leaders that there are two great dangers to the growth and development of the country and these two dangers are (1) communism and (2) communalism. There is no denying the fact that communism is fast gaining ground in the country and has gradually begun to sway the masses. Communist leaders are not slow to bring to the notice of the masses the vast degree of difference existing between low and high, poor and rich, the governed and the Government. The ideals of communists are no doubt laudable in as much as they wish to bring about a speedy economic levelling. Unfortunately the foundation of this ideology is hatred which ultimately results in violence and I believe that considering the present prevailing ignorance of the masses, communism, is not in the national interests. Moreover, even among communists it is only the man who has ample means available who stands for election and comes out successful.

Moreover I see no reason why the rich should be robbed of their wealth. This would be against the very spirit of the Constitution, of course the richer people should not be allowed to use their wealth for the exploitation of the poor people and for taking undue advantage of their wealth to capture the Government. These two things can be stopped by nationalising the big industries now in their hands and by preventing them from seeking election outside their constituencies of similar income group—a small percentage of the total population.

Now coming to the question of communalism, there cannot be two opinions about it that it is totally opposed to national interest. The iniquitous division of India into Pakistan and Hindustan was the outcome of the communal award made long ago in favour of the Muslims. It was to fight communalism that our Bapu strove to create a casteless and classless society and we invariably find that this feeling of casteism is much less among people of equal economic status. The Hindu religion is a religion of

to various castes, yet little feeling of casteism unless it is aroused by political leaders. Likewise rich people belonging to various castes mingle freely unless casteism is artificially aroused from other sources.

Power and influence in the present day can be put under three categories. The first is the power of wealth without which nothing can be done. This power is given to but few.

The second is the power of trade, industry and commerce which again is dependent either on the possession of wealth, or on financial ability, and a status that enables one to associate with wealth. This again is privilege of only a few.

The third is the power of the vote which is vested in every adult in the country, the only weapon which the common man possesses to make his presence felt in spite of poverty, illiteracy, starvation and disease. This, however, has been usurped by men whose power is based on wealth and influence. They have deprived the common man of this priceless possession. It is only with a view to ensure that the poor masses are not deprived of this precious possession by unfair competition that the division of constituencies on an income basis has been suggested. It is simple, reasonable and practicable as well. There need be no hatred towards the rich and let not the government or the masses think of usurping their wealth and possessions, or even the trade, industry and commerce now monopolised by them. Let them continue to live in bungalow, roll in Rolls-Royces, drink, dance and enjoy themselves. Let not the Government think of fixing a ceiling for the landed aristocracy and thereby taking away the excess lands and giving them to the landless. Any such measures would amount to coercion and would be quite against the ideology of Gandhiji, and also contrary to the present Constitution. In return for this gesture we ask our rich and aristocratic brethren not to interfere with our affairs, and neither to usurp our franchise nor to purchase our rights, but to leave us alone to cast our vote according to our own preferences.

To this end, we ask the rich men in whose hands the Government is now vested to make suitable amendments to the Constitution by which provision could be made for conducting elections on an Income-cum-Territorial basis.

EDUCATIONAL FACILITIES FOR BACKWARD CLASSES

The backward classes have been considered to be only those communities which are socially and educationally backward. There may be certain communities which are educationally backward but are socially not so backward, but the reverse except in a few notable exceptions already mentioned is not true. In such cases invariably due to educational advantages the social position is automatically raised. Therefore we can safely say that those which are still socially low must invariably be educationally low also. Hence social condition is a more important ingredient in considering the backwardness of communities. Many people are of opinion that economic backwardness is the root cause of social backwardness, but this is not true at least for India, and our learned Chairman is of the same opinion. The history also tells us that all the so called Shudras, who are mostly a backward class, were originally kept a good distance from the

then debared under law from getting any education under law so that they might not become conscious of their social backwardness and this social backwardness was further rooted in them by making them believe through religion that all this was the outcome of their past life and that they were destined to remain backward and hence remained contented with their low position.

I am forced to admit that it is only since the coming of the Britishers in this country that education was allowed to every one without distinction of any caste or creed and therefore some of the so called Shudras also began to get education with the result that they became more conscious of their human rights. But immediately the Brahmans realised that once the Shudras become educated there was imminent danger of revolution. Sensing this danger Swami Dayanand preached that none was a Brahman, Kshatriya, Vash or Shudra by birth and it is due to his *Gun, Karma* and *Swabhava* in the present life which classifies them into four varnas with the result that those Shudras who became little educated began to call themselves after one of the three twice born *Dwija* Classes of Brahman, Kshatriya or Vaishtyas, and practically every caste in India down from sweepers who called themselves as Valmiki Brahmans up to Ahirs and Ich etc. who called themselves as the Kshatriyas and Vaishtyas respectively began to form their caste *Samithis* and *Mahasabhas* to upgrade themselves. Many people are of opinion that the Arya Samaj did a great service to the backward classes, but to my mind this is not correct, because the revolution which might otherwise have come was arrested, and the Shudras wasted one hundred years in efforts to upgrade themselves socially into one of the previously mentioned Varnas. Had they spent the same years in spreading more education among their people their condition would by now have been much improved. There is not a single caste among these backward or Scheduled Castes of which some section did not make attempts to wear sacred thread which in most cases was broken with the result that the community was thrown into litigation and wasted money which might better have been utilised in education). Not only that but many of these communities paid Brahmans to prepare *Bansavalis* (genealogies) of their caste proving them to be of *Dwija* (twice born) origin.

The point in mentioning this is to show that in spite of all efforts on the part of Shudra Castes to upgrade themselves they have totally failed to do so and have also failed to raise themselves educationally, thereby proving that educational advancement is most essential to remove the backwardness of a community.

As I have also come across cases where persons belonging to one of the Shudra Classes were highly educated and had commanded respect in society in the past and to the very last. It is as if I disclosed that they belong to the Shudra class than that they are pre-figured.

greatly respected by the Raja himself, so much so that the Raja sometimes touched his feet, but as soon as it was revealed that the tutor belonged to the Gadaria caste he was turned out by the Raja and all his learning had no value in the eyes of the Raja. However, in spite of such cases no one can deny the importance of education raising social conditions of a community.

The next question that arises is what kind of education is needed in order to raise one's social position. Is it elementary education which is needed, or higher education; so far as the former is concerned it is needed for all in the country in order to become conscious of their rights and duties of citizenship, but the latter is needed particularly to raise the social position of a community. Therefore *elementary or even up to higher secondary stage, education should be made free for the whole nation as is specified in the Constitution that education upto 14 years of age of any boy or girl should be free. For higher education, special facilities should be given to the backward classes to enable them to come to the level of the advanced classes.* But the backward classes people are so poor that their children must start earning at an early age. They do not know the value of education, and therefore seldom send their children to school. Hence some inducement such as stipends, or in some cases midday meals will produce good results in primary education stage also. Dr. Ambedkar in his examination before the Commission has said in these words "The second thing which I want to mention is that scholarships should be distributed among the backward communities without any disregard to merit. If a boy from the backward community becomes educated and occupies a high official position, it will psychologically affect the whole community. The Community can draw the conclusion that we are no longer as dull as other people have been saying for so many years. The inferiority complex will automatically vanish."

The extracts of a few questions and answers during examination of Dr. Ambedkar appear to be very important and I would like them to be reproduced verbatim here so as to make the reader follow clearly the reason why higher education is very essential for backward classes.

QUESTION 1—What according to you, constitutes backwardness as it applies to the situation in India?

Dr. Ambedkar : Supposing I am left in the situation to do something for the betterment and advancement of India, I would look at the social status of the community. Here in India people have got different status—some are in the highest position, some are in the middle, some are still less and some are at the bottom. Our problem is not so much to distribute wealth in order to make everybody happy, our problem is that different status should disappear. It can disappear only by advancement of education, when all the communities are brought to the same level in the matter of education not everybody but the community as such. If there are 10 barristers, 20 doctors, 30 engineers etc. in a community, I regard that community as rich, although everyone of them is not educated. Take for instance, Chamars, you look upon this community with hatred, but if there are some lawyers, doctors and educated persons among them, you cannot put your hand upon them and you will not do that, although everyone of them is not so highly educated. To-day the valley among the backward classes and lower classes is so great what we call *naphrat*. You

will say he is a Bhangi but suppose there are educated persons among them you will respect them. We want that all communities should come upto the same level and the class should have the same space for itself as the other class has got for it.

QUESTION 2—All help given to the Scheduled Castes, Scheduled Tribes and Other Backward Classes, inevitably reaches the city people and the rural people are left high and dry. What remedy would you suggest to see that the village people get the help first and are not robbed of their share?

Dr. Ambedkar : Here I may point out that we should raise the status of the backward classes as a whole, not individually. If we produce a certain number of lawyers, doctors and professionals among them, no body will look down upon them. That being my views, I think that the means that have to be adopted for the purpose of bringing these people up are not that we should have primary schools and secondary schools for those people. Out of 100 boys 20 remain and 80 go away. My idea is something fantastic I would suggest that schools should be opened for them in their own locality or some central place. I would suggest to collect the best boys from the primary schools and give them food, shelter and education in that very place, away from their parents. Up to the Matriculation Examination you give them education there. As soon as they pass the Matriculation examination, send them in a college and give them tuition fee. After that select a number of students from amongst them and send them to Europe, Germany, France, America and similar other foreign countries where they can get the best of education.

QUESTION 3—*Chairman* : You mean to say that after independence we are not to get the best of education in our own country?

Dr. Ambedkar : After that give them service in the Government Department. I would be quite prepared to spend one crore of rupees for the backward classes, one crore of rupees for the Scheduled Castes and one crore for the Scheduled Tribes for 10 years and probably the Scheduled Caste problem may end much sooner. The Scheduled Castes are becoming vocal now. Thus you will create a few people with higher qualification and place them in high posts. That will be 2000 times better than the 2000 boys educated in Malathi or Gujarati.

QUESTION 4—*Chairman* : There are two views. If there is a primary secondary and higher education in a particular community, it takes the shape of a hill but if you take a few selected persons and take them up to the very top, it takes the shape of a tower. The tower will fall down and the hill will always remain.

Dr. Ambedkar : You go to Burma. There everything has been abolished. I had a talk about this with the Viceroy when I was the member of the Executive Council. I wrote a memorandum—it might be here. The Government of India was going to give 3 lakhs of rupees to the Benaras Hindu University where Hindu students were admitted at that time. They were also giving 3 lakhs of rupees to the Aligarh Muslim University. I raised the question why should they not give three lakhs of rupees to the Scheduled Castes? That was also accepted but how to use it was the question. Some Departments stressed for the opening of the girls' schools, some emphasised the distribution of the prizes among the students. I put my foot

down. The Viceroy appreciated the suggestion put forward by the other Departments. One day I went to him and asked him "Would you not mind if I ask some question?" He said "No".

My first question was whether I as an individual was better than 100 University graduates, to which he replied 'Yes'. He said, 'I am afraid I have to admit that you are good for 100 graduates'. I said, "Why"? He said, "I don't know but the fact is there". I said "I am one of those highly qualified and educated persons who are on *Marke Ki Jagah*" (Key post) 'I can control any wrong being done. I said there are only a few persons who can occupy such places". He at once wrote that three lakhs of rupees should be spent on foreign education when I came out my friend Mr. Rajgopalachari mixed up every thing. At that time we managed to send 26 candidates to the foreign countries.

QUESTION 5—What remedy would you suggest for the speedy removal of the backwardness of so many communities in India that are suffering from age-old social backwardness and educational apathy?

Dr. Ambedkar : I have suggested that if you produce big people from amongst them, the backwardness would go. The backwardness is only a sort of inferiority complex.

After reading these questions and answers one can come to the conclusion that he wants that backward classes people should be not only given primary education, but that from amongst them brilliant scholars should be selected and sent for higher education to foreign countries and then placed in key positions where they can assert their rights properly and stop the exploitation by other people. According to Dr. Ambedkar it is 2000 times better to produce a few people with high qualification and to place them in high posts than to have 2000 boys educated in primary education of Marathi or Gujarati only. In my opinion he is quite correct when he says that we should raise the status of backward classes as a whole and not individually, but that can only be done by producing highly qualified people from amongst these communities and placing them in Key positions of Government services. As soon as some persons of a certain caste occupy higher posts in Government services the social position of that whole caste is automatically raised and every individual of that caste, although not much educated himself, feels himself glorified and loses some of his inferiority complex. Among the higher castes also you do not find every individual highly educated but a few only and these hold key positions thus raising the position of all their caste people. The cumulative effect is that no one considers himself lower than any fellow-caste members.

Therefore in addition to whatever facilities the Commission is going to recommend I would suggest that 3 crores of rupees be reserved for higher education of the three categories of backward classes viz Scheduled Castes Scheduled Tribes, and Other Backward Classes, every year for at least ten years, and that the best students be sent abroad for higher education and that on return they be absorbed into Government services. The money spent on their education abroad might thereafter be realised from them in easy instalments out of their salaries. I have often found in my experience during work among these classes that all those who have all facilities for education

the f he may hav o pec a d f re at n vl sc
 who are poorer and oft n more n eligent le greate ap tud for edu tion
 but hav n n ncy o pose ut l s bey d h f t H n
 the above scheme would help such brilliant but poor scho a s

If in one year sufficient members from any of these classes are not available, then the money should not be allowed to lapse, but should be utilised for sending students from other categories, giving preference to the lowest

The scholarships should be awarded in proportion to the population of each of the 3 categories

LEGAL AID TO POOR PEOPLE AND BACKWARD CLASSES

*To no one will we sell, to no one will we refuse or delay right or Justice—
 Magna Charta Cap. 40*

General

In practically every country of the world where democracy exists today in some shape or another, the constitution provides *equality under the law*, that is to say one and the same law for rich and poor alike. Denial of Justice is not merely negative in its effect, but actually encourages fraud and dishonesty. The evil is not only one of class in the sense that it leaves the poor to the mercies of the rich, but it also enables the poor to rob one another. In a country like ours the hierarchy of castes not only creates differences in social orders but is directly proportional to the degree of poverty, the result being that all those at the higher level try to exploit those at the lower levels. This exploitation is often made possible by the poor men's lack of legal knowledge or legal aid. Hence in this country it is especially necessary that legal aid should be provided to the poor, most particularly to the backward classes people, nearly all of whom are uneducated as well as poor.

The consequences which inevitably flow from such form of Government have been thus summarised by Reginald Hever Smith in his *Treatise on Justice and the Poor*, in the following words:—

“First there can be no political, social or economic equality, no democracy, unless the substantive law by fair and equitable rules gives reality to equality by making it a living thing. Second the substantive law, however fair and equitable itself, is important to provide necessary safeguards unless the administration of justice, which alone gives effect and force to substantial law, is in the highest sense impartial. It must be possible for the humblest to invoke the protection of law, through proper proceedings in the courts, for any invasion of his rights by whomsoever attempted or freedom and equality, vanish into nothingness.”

It is for such reasons that freedom and equality of justice are essential to a democracy and that denial of justice is the shortcut to anarchy.

The aim of every Government is and must be that there must not be denial of justice. President Taft in an address before the Virginia Bar Association observed “Of all the questions which are before the American

people. I regard no one as more important than the improvement of the administration of justice. We must make it so that the poor man will have as early as possible an equal opportunity in litigating as the rich man.'

Our Indian Constitution also provides equality before law, but that can only be achieved if you know all about your legal rights and duties and the way to invoke them so as to get proper results. The law provides that ignorance of the law is no excuse although it is perfectly well known to everyone that 90 per cent of the people of this country are educationally, socially and economically backward, can not know the laws of the country and hence are often the victim of illegalities.

The following is an interesting and illustrative story of 2 incidents in Delhi itself in respect of the first one of which I can boldly say that if the matter had not reached me within a reasonable time about 1,500 people of the Scheduled Castes living in the cemetery area known as Q. point on Prithvi Raj Lane would have been rendered homeless by the New Delhi Municipality.

The facts in brief are that during the last eight or ten years some three hundred and sixty families had constructed Kuchcha huts within the cemetery area and were living in them. The Municipal Committee had even assessed and collected house taxes from them which strengthened the rights to retain their huts. Still the Municipal Committee authorities after giving a short notice to demolish would come with a gang of policemen accompanied by a magistrate and throw their belongings out of the houses and demolish the huts forcibly. The matter was accidentally brought to my notice at the residence of Sm. Manmohini Sahgal who is a social worker of high order and who had also tried to help these poor men through her assistant Shri Dara. I accompanied the latter to the Vice President of the Municipality to know the full facts of the case and the legal position. The Vice President however met me at his business shop after my waiting for him for a long time and he could not even explain to me the legal position of his Municipality in respect of those huts, but abruptly said that he only knew this much that in case these people did not vacate he should have them forcibly ejected as he needed the site badly for construction of new quarters. I told him that I wanted simply to know whether these S. C. people had any legal rights over those huts or not, so that I could advise them accordingly. But he showed all his ignorance about legal implications by saying that he did not know. I had to go back disappointed. Some time later I was told that the Inspector of the Committee had notified these poor people to vacate or else after 20 days would forcibly demolish the huts. I then approached the Deputy Home Minister, Shri Datar, and told him that the Government was constructing big buildings for the refugees of 1947 only, but was trying to oust the poor Harijans who are refugees of ages past from the huts which they had constructed during the British period and some time thereafter. I requested him to call for report from the Chief Commissioner and pending the enquiry to pass an order of stay of the proceedings of demolition. The Deputy Minister being impressed by this proper request passed orders accordingly and asked for a report to be submitted within a fortnight. I cannot understand what prevented this stay order from reaching the Chief Commissioner even after eight days from the office of the Deputy Home Minister located in the Secretariat buildings to the office of the Chief Commissioner which is also in Delhi. But the result was that

one day the Assistant Secretary of N. D. M. C. came with a gang of policemen accompanied by a magistrat and began to demolish the huts by throwing out the belongings of the poor inhabitants. As my office is quite near I was approached by some people of the locality and I immediately rushed to the spot and found that three huts had already been demolished and the thatching of the fourth was being taken off. Of course, I could not, as a lawyer, knowing the law fully well, interfere in the official duties of these people but I told them about the stay order passed by the Deputy Home Minister and requested them to stop further demolition or otherwise they must proceed at their own risk. The Assistant Secretary agreed to my proposal. Next I sent for the Punjab Municipal Act to study the whole legal position of the situation and I found that the Municipal Committee people were acting illegally because the Act provided that they could only demolish buildings through their own agency if they had served notice within 3 years of the construction. As already stated most of these people had been paying house taxes for a much longer period. I then went to the Secretary and showed him the Municipal Act, which proved that his action was illegal. He said that he would stop it, but to do so would make the money lapse which had been allotted for construction of quarters for Harijan Municipal employees. I found myself between the devil and the deep blue sea. Had I insisted on the demolition being stopped I should be debarring a number of Harijan employees from getting pucca quarters for a long period as once the money lapses it is very difficult to get it revived, *especially for Scheduled Castes people*. But if I allowed the demolition, I should be doing disservice to the non-employee Harijans whose cause I was espousing at that time. I therefore suggested that the Kuchcha quarters of the Municipal employees for whom pucca quarters were to be built should be given to those who must vacate the site for new constructions. I got all this accomplished in my presence—otherwise I do not know what would have happened.

There is also the second incident of a poor Brahman shopkeeper of Khan Market whose case I have recently taken up with the authorities

There were some old shops at the place where the present Khan Market has been built and in one of those shops lived a tenant named Ram Saroop. The site of the Khan Market was vacated by the old tenants for the purpose of building the new market on consideration that they would be provided with newly built shops, preferably in that very market. Consequently on the new market being ready some of the shops were allotted to the old shopkeepers, and the rest to refugees because it was constructed primarily for them by the Rehabilitation Department. This poor Brahman was not allotted any shop since due to the death of his brother and other calamities in his family he had to leave the place. When he returned he found that the new shop where his old shop had existed has been allotted to Messrs Bajaj & Co. After running here and there for the allotment of a shop in his name he had had to take the said shop from Messrs Bajaj & Co., by payment of a *pagree* of Rs. 2,500 and promising to pay Rs. 25 more in monthly instalments for some time in addition to the rent of the shop. After some time the fact was revealed to the Rehabilitation authorities that the shop had been sublet, whereupon they took ejectment proceedings against the occupant and turned him out so mercilessly with police help that I was witnessing the poor man being put to great loss as all his almirahs, glasses and other furnitures were broken. The poor fellow was thrown out and

the shop was a de... b... d... was traced
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prompted me to look to the... the facts and found
that the poor man had been... and financially exploited simply due
to his want of legal aid, while as actually stated above he being the tenant
of the old shop had the better chance. I then collected all the documentary
evidence he possessed and myself went to the District Secretary Smt. Thakral
and represented the case. I also saw Jai Singh Nayal, the Rehabilitation
Minister and later on my son Smt. Thakral must admit that Shri Thakral
who actually dealt with the file of the case was very sympathetic as he was
also morally convinced that the man had been hard hit due to the igno-
rance. Eventually I got the shop returned in his own name and there ended
the tragedy.

Now you can imagine how essential it is and particularly for these
Scheduled Caste, Scheduled Tribes, Backward Classes and poor
people in general to obtain legal aid. If a local authority can harass
people in this way what can be said for private individuals.

Its introduction in other countries and also in India

In 1944 on the Law Society's Committee was appointed by the Lord
Chancellor Viscount Simon to enquire what facilities at present exist in Eng-
land and Wales for giving legal aid and assistance to poor persons in
need of legal advice, and for amending and improving so far as seems
expedient the existing system. Presently legal aid is available to poor persons
in the conduct of litigation in which they are concerned whether in civil or
criminal courts.

The Committee submitted the report in May 1945, under the President-
ship of Lord Rushcliffe.

The Hon. Secretary to the Indian Legal Aid Society inviting the
Government of India's attention to above report of Lord Rushcliffe addressed
to the Law Member a letter dated 27th December 1945, requesting him to
appoint a similar committee in India also.

He said in his letter "In a country like India where poverty is added
to ignorance and where no facilities for legal aid and advice are provided
by the State except in the way of pauper procedure and assignment of a
counsel in murder cases, the appointment of a committee to examine the
matter of legal aid in British India, to make its recommendations to Govern-
ment is eminently desirable, necessary and called for."

Acting on this suggestion the Government of India invited the views
of all the Provincial Governments on the general questions whether further
provision of legal aid was required and if so on what basis and on what
what

This request commended to Government, to appoint a Committee to consider whether it is desirable to give legal aid at Government cost to poor people and desiring not to go to court before the courts of law and, so what steps (including legislative) should be taken for giving such aid."

Next day, Mr. Shantu Lal H. Shah, M.C.C. moved the following resolution in the Bombay Legislative Assembly in January 1949.

The Assembly recommended to Government to take immediate steps to provide facilities at Government cost for legal aid and assistance in all Civil and Criminal Courts in the province to persons with limited means who cannot afford to pay for it.

The proposal contained in the above resolution was accepted by Government of Bombay, the Government Resolution (Legal Deptt.) No. 1167, dated 22nd March 1949 and a committee was appointed to consider the persons of limited means and to poor persons belonging to backward classes, in civil and criminal proceedings and to make recommendation to Government regarding steps to be taken for implementing the suggestions.

This committee commenced its work on 16th April 1949. It had issued a comprehensive questionnaire and received evidence. The questionnaire was sent to all Judges of the High Court and all members of judiciary of the province, all the Bar Associations, prominent members of the legal profession and to several social workers.

The Committee submitted its report on 31st October 1949, and has laid down that in case the State is not able to make budgetary provision for the full scheme of legal aid and advice suggested in the report then the following may be taken in the order of priority mentioned below :—

1. All litigation or proceedings in criminal courts.
2. Backward classes
3. Cases before tenancy Tribunals and labour courts, etc.
4. Fully assisted persons in civil courts.
5. Partially assisted persons in civil courts.

It may be pointed out that in England, the Parliament passed on 30th July 1949, a Bill named "The Legal Aid and Advice Bill" on the recommendation of Radcliffe's Report and it is now in the name of *Legal Aid and Advice Act, 1949*. In our country in Bombay, a "Legal Aid Society" was formed and started in the year 1924, one of the main objects of which was to give legal advice and legal assistance in negotiations after due enquiry to poor persons without cost to them or at the minimum cost which they can afford in matters where no other assistance is available.

The Bombay Government also started under Legal Department Resolution No. 2640, dated 25th April 1941, legal aid and assistance to persons belonging to Aboriginal and Hill Tribes primarily to two districts only which has now been extended to all districts of Legal Departments.

The above said committee on Bomba which has submitted on 31st October 1949 under the Chairmanship of Hon Mr Justice Bhagwati of the Supreme Court of India has very elaborately discussed all the aspects of the problem, and as stated above has kept the backward classes in second degree of priority in giving legal aid in case the Government is unable to implement all the recommendations.

If we are to recommend legal aid for the Other Backward Classes, then it is much more needed by the Scheduled Castes and Scheduled Tribes, but what we feel is that if recommendations made on the report of the above said committee are to be implemented then it would inflict a very great burden on the Exchequer. We are alive to the fact that the recommendations which this Commission is thinking of suggesting to the President in their report for the upliftment of backward classes in shape of educational and other grants, will involve great expenditure and that therefore to suggest any scheme for legal aid and on the basis of recommendations made by the above said committee would be impracticable at the same time it is most necessary.

Therefore we would suggest for the present, the following, so long as the Government is not in a position to adopt the full scheme on the basis of recommendations of the above said committee.

1. Let a Central Legal Aid Society be formed with both lawyers and laymen as members and the Law member of the Central Government as its Chairman. Those lawyers who become its members must give a declaration that they will always be ready to take the cases of the Society free up to the extent of at least 4 cases a month or one case per week and there should be no fees for membership.

2. All laymen becoming members should pay at least Rs. 50 per year or Rs. 5 monthly.

3. That all the Public Prosecutors or Government Pleaders shall be recruited only from amongst the lawyer members of this Society who shall have served the society for 2 years at least, and in selection preference shall be given to that lawyer who has done the largest number of cases free for the poor and backward classes through the society.

4. That this society will have its branches all over the States with the Law Minister as its president and likewise that there would be branches in each district of these states under the chairmanship of the Collector of the District and the Sessions Judge of the District.

5. That all the laymen members of the Society shall form a body from which alone the Hony. Magistrates and Munsifs will be selected, and in this selection preference will be given to those who have tried and succeeded to conciliate or arbitrate the largest number of cases which have come to the Society.

6. That in addition to the above said selection of the Honorary Magistrates and Munsifs, a Nyaya Panchayat shall also be formed in mofussil areas and their jurisdiction shall be similar to those under the Panchayat Act applicable to the villages of the districts.

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 ... in respect of criminal cases. This will save the time of the Magistrate.
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 ... ment would be in a position to give a grant in aid to the Legal Aid Society.
 ... said Honorary Magistrates and Munsifs might succeed in concluding
 ... or bringing about compromises in many cases. This would necessitate a
 ... change in the Civil or Criminal procedure, or possibly a change in the High
 ... Court Civil and Criminal Rules might solve the problem.

8. Every practising lawyer, both senior and junior may be requested to take at least 12 cases a year free of any remuneration for the poor back-ward class people in the shape of 'Baili Daul' or it should be made incumbent upon every lawyer to take at least six cases every year of the said Society free of any fees.

9. There should be a fund known as the Legal Aid Fund and it will consist of —

1. Contribution of Provincial or Central Governments.
2. Contributions and donations from sources other than Government.
3. Costs recovered from unsuccessful opponents.
4. Subscriptions of Laymen members of Legal Aid Society.
5. Fees received from the applicants for legal advice (every applicant must pay some fee with his application the amount to be fixed by the Society).

The Legal Aid Fund should be in charge and control of the Central or State Legal Aid Societies and they would, on statement and budgetary estimates, furnished by various Legal Aid Committees established in various district branches, allocate to the respective branches amounts out of the said fund in accordance with the requirements of the Legal Aid Committee.

The State Legal Aid Society would every year transfer particular amounts thus determined to the particular Legal Aid Committees of the various branches of their districts to be spent on the establishment of offices and other necessary expenditure sanctioned by the Society. The Central Legal Aid Society will likewise keep accounts under above said heads and transfer such amounts from time to time to the State Legal Aid Fund as the Society may deem proper.

10. There should be a paid Secretary in the office of the Central as well as the State Legal Aid Societies.

the District Legal Aid Societies would decide questions of policy, determine the financial aid to be given by the State to the District Legal Aid Societies, and would generally supervise and control the working of Legal Aid Societies under them. They would in addition, deal with the appellate cases in the High Court of the State. Likewise the Central Legal Aid Society would perform all such duties in respect of State Legal Aid Societies, and in addition look after the appellate cases in the Supreme Court in respect of appeals from the District and State Legal Aid Societies.

This is in short a sketch of the functions of Legal Aid Societies and their working which can be further worked out in detail by the Societies themselves when formed according to their needs and experience.

S. D. SINGH CHAURASIA

